

City of Chicago

Personnel Rules



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* * * * * **NOTES ON AMENDMENTS TO THE RULES** * * * * *

Changes effective 11/18/2010 were made to the following Rule:

1. **Rule VI, Section 3 – Applicants Preference.** The **Veteran’s Preference** is now Subsection (a) of Applicants Preference. Veteran’s Preference is amended to increase the minimum percent of veterans referred from ten (10) percent to twenty (20) percent. Subsection (b), **Line of Duty Preference**, has been added.

Changes effective 12/10/2009 were made to the following Rules:

1. **Disclaimer:** Personnel Rules are not intended to create any property interests in any job or position for any employee, or create an employment contract between the City of Chicago and any employee.
2. **Rule I, Section 9 – Reclassification of Positions:** Clarifies rules regarding reclassification of positions. Reclassifications must not violate other governing policies or personnel rules, and cannot be used as a means to provide salary increases or to promote or discipline an employee.
3. **Rule IV, Section 5 – Residence:** Changes the requirement to be a resident of the City of Chicago from the time of application to the time of employment. Residency provision applies to all positions not just Career Service positions.
4. **Rule V – Equal Employment Opportunity:** Clarifies rights protected and prohibited conduct under the City’s Diversity and Equal Opportunity in Employment Policy.

5. **Rule VI, Section 3 - Veteran's Preference:** Expanded veterans preference to include Armed forces, National Guard and Reserves; Veterans may have an honorable or general discharge; Veterans preference can be awarded only once. The preference shall be in the form of five (5) percent added to the final score of those applicants with a passing score for ranked examinations. For all other selection methods, applicants who pass will be given preference in processing. A minimum of ten (10) percent of those referred will be veterans provided there is a sufficient number of veterans who applied.
6. **Rule VIII – Career Service Appointments:** Deleted references to Reemployment lists and types of certifications, as they are inconsistent with the New Hiring Plan.
7. **Rule X - Promotions and Career Progressions:** Added language that this rule may be used to established sequential promotions based on satisfactory performance with demonstrated attained job skills and years of experience in a position within a job family.
8. **Rule XIII - Resignations:** Section on “Requests for Reemployment” is deleted, as it is inconsistent with the New Hire Plan.
9. **Rule XV – Training and Career Development:** Deletes specific reference to the Commissioner of Human Resources for responsibility for certain training initiatives, as the Office of Compliance has absorbed some of those training functions.
10. **Rule XVII – Complaints of Discrimination:** Clarifies procedures to file complaints under the City’s Diversity and Equal Opportunity in Employment Policy;
11. **Rule XVIII, Section 42 – Sexual Orientation and Gender Identity:** Replaced the term “sexual preference” with sexual orientation; added the term “gender identity”.
12. **Rule XX, Section 3 – Outside Employment:** Dual employment approval is suspended for employees on sick leave, medical, FMLA leave or duty disability due their own illness for the period they are on leave. A department head may grant an exception where the outside employment is not inconsistent with the reason for the leave and would result in undue hardship to the employee.
13. **Rule XXVI, Section 1 - Reclassification of Employees:** Revised rule for consistency with the New Hiring Plan; clarifies rules regarding reclassification of employees. New positions that are a higher class grade or title must be approved by the Office of Compliance. Employees appointed to a new position must meet the minimum qualifications of the new position.

14. **Rule XXVIII, Section 2 – Family Illness (Domestic Partner):** Expanded definition of “immediate family member” to include a domestic partner’s mother, father, son or daughter, provided the domestic partner is registered with the Dept. of Human Resources.

15. **Rule XXIX - Conflict of Interest:** Expanded conflict of interest prohibited conduct and disclosure requirements to include domestic partners.

Changes effective 3/10/2007 were made to the following Rules:

1. **Rule IX, Section I - The Probationary Period** is amended to include people covered under the City’s collective bargaining agreements and entry level Police Officers, Paramedics and Firefighters.
2. **Rule XIX, The drug testing policy** was amended to include alcohol.
3. **Rule XXII, Section 1** - The term transactions changed to actions.
4. **Rule XXVIII, (All sections except 5)** - The legitimate use of sick leave, family illness, definition of illness, reasonable evidence, confidentiality, procedures and application are all amended.

Changes effective 1/19/2007 were made to the following Rules:

1. **Rule VII, Section 4** - Changed to include (MMI) Medical Maximum Improvement under duty disability.
2. **Rule XI, Section 3** - Changed to include (VESSA) Victims’ Economic Security and Safety Act to the list of authorized absences for all employees.

Changes effective 5/13/2003 were made to the following Rule:

1. **Rule XVII**, the time period in which a person can file a charge has been extended from 90 days to one year of the occurrence and the procedures to be followed once a charge has been filed are described in more detail.

DISCLAIMER

Nothing in the City of Chicago's Personnel Rules is intended to create any property interests in any job or position for any employee. The city of Chicago recognizes that employees with career service status or rights under a collective bargaining agreement may have due process rights under the existing law; however, the City of Chicago Personnel Rules are not intended to create such property rights.

The City of Chicago Personnel Rules are meant as a guide to the current policies and procedures used by the City of Chicago with respect to its employees and are subject to change by the City of Chicago unilaterally and at any time. The City of Chicago does not intend that its Personnel Rules, whether provided to employees at the time of employment, after commencement of employment, or at any other time, or through any manner of dissemination, constitute part of any offer of employment or are otherwise the basis for the formation of any contract, whether expressed or implied. These Rules should not be interpreted expressly or by implication as evidence of the existence of an employment contract between the City of Chicago and any employee.

The City of Chicago Personnel Rules may be applied to employees who are either at-will or career service employees unless the language in a particular Rule specifically states that it only applies to career service employees. Career service employees and/or those covered by collective bargaining agreements have no right to continued employment based on the city's Personnel Rules but may have such rights as are granted under the applicable laws or collective bargaining agreements.

Nothing in the City of Chicago Personnel Rules is intended to change the status of an at-will employee. Any at-will employee may be discharged without notice, for any reason or no reason, and an at-will employee has no expectation of continued service.

RULE I - POSITION CLASSIFICATION

Section 1 - Definitions

The following are definitions of common position classification terms.

Allocation - The process of assigning a position to a class of positions in the salary schedule based upon an evaluation of its duties and responsibilities.

Class of Positions - A position or group of positions sufficiently similar in respect to duties and responsibilities such that the same title may be used to designate each position in the group, the same salary range may be equitably applied, the same qualifications required, and the same examination used to select qualified employees.

Classification - Grouping positions into classes of positions based on their duties and responsibilities.

Class Specifications - Descriptions of classes of positions that distinguish one class from another. They are, in effect, the general descriptions utilized to determine the proper level to which a position should be assigned.

Desk Audit - A review of the duties and responsibilities of a position through an interview with the incumbent and/or incumbent's supervisor usually occurring at the employee's desk or regular place of work.

Grade - A range of salaries in a salary schedule to which a position or class may be allocated, based on an evaluation of its duties and responsibilities.

Position - The current duties and responsibilities that require the full or part time employment of one individual. A position exists whether it is filled or unfilled.

Position Description - The management approved written statement which describes the current duties and responsibilities of one position.

Reclassification/Reallocation - The process of reassigning a position to a different class of positions based upon a re-evaluation of its duties and/or responsibilities as they may have changed.

Regrade - The process of changing the existing salary grade allocation of a class of positions to a different salary grade based upon a re-evaluation of its duties and responsibilities.

Section 2 - Classification of Positions

All positions shall be grouped into classes by the Commissioner of Human Resources. Each class shall include those positions sufficiently similar in duties and responsibilities so that similar requirements as to training, experience, knowledge, skill, and the same rates of compensation are applicable to the class.

Section 3 - Class Titles and Codes

- (a) A standard class title and code number shall be used to identify each class in the Classification Plan and all positions allocated to that class.
- (b) Each class title shall be generally descriptive of the work of the class and indicate, where applicable, its relative importance and responsibility among other classes.
- (c) The class title and/or code shall be used to designate positions of the class or to identify incumbents in all budget, payroll, and personnel documents, other official records and in internal correspondence or other communications relative to the personnel administrative process.

Section 4 - Preparation and Content of Class Specifications

The Commissioner of Human Resources shall be responsible for the preparation and maintenance of a written specification for each established class of positions and such class specifications shall constitute the official specifications of classes in the City Service. Such specifications shall be based on a review of the duties and responsibilities of all positions in the City Service. Each class specification shall set forth the code and title of the class, examples of duties, a statement of education and experience qualifications and the knowledge, abilities and skills desirable for efficient performance of the work, the date the original specification or a revision was approved, and such other pertinent information as the Commissioner of Human Resources deems appropriate.

Section 5 - Interpretation of Class Specifications

The class specifications are descriptive and explanatory and not restrictive. They are intended to indicate the kinds of positions that should be allocated to the various classes and shall not be construed as determining the entire range of duties and responsibilities that may be assigned to a given position or as limiting or modifying the power of any department head to assign other duties appropriate to the class of positions, and to direct and control the work of employees under his or her supervision. The use of a particular expression or illustration as to duties shall not be held to exclude others not mentioned that are of similar kind or quality.

Qualifications commonly expected such as honesty, motivation and work interest shall be implied as requirements for each class, even though they may not be specifically mentioned in the specification.

The statement of qualifications in the specification for any class constitutes a guide to the minimum qualifications desired in persons to be selected for positions of the class.

Section 6 - Classification and Pay Plan (Schedule A)

The Commissioner of Human Resources shall prepare and maintain the Classification and Pay Plan, Schedule A, covering all classified positions.

Section 7 - Position Control

As part of a position control system, the Commissioner of Human Resources shall maintain a current record of every employee in the City Service with the employee's name, title and budgeted pay rate.

Section 8 - Allocation of New Positions

A department head shall submit, to the Commissioner of Human Resources, a position description for any new position to be created. The Commissioner shall verify and analyze the duties and responsibilities of each proposed new position and, on the basis of this study: (a) determine the need for the position and, when justified, (b) allocate the proposed new position to the appropriate class, or (c) create a new class of positions. The Commissioner of Human Resources shall also have the responsibility to establish the

category of employment of the position based on the provisions of Chapter 2-74-030 of the Municipal Code of Chicago.

No person shall be appointed to any position until use of such position and the prospective employee's qualifications have been approved by the Commissioner of Human Resources.

Section 9 - Reclassification of Positions

(a) Departments may modify the duties of their positions in order to meet operational needs. Where a department makes a significant change in an incumbents' duties, the department must ensure that they do not violate the Personnel Rules, the City's Acting Up Policy, obligations under Collective Bargaining Agreement, or any other City policy.

(b) A department head shall report to the Commissioner of Human Resources whenever a significant change is made in the duties and responsibilities of a position involving either the addition of new duties or the taking away or modification of existing duties.

(c) Significant changes in the duties and responsibilities of a position may result in the position no longer belonging to the class of positions to which it is currently allocated by the Department of Human Resources.

(d) The Commissioner of Human Resources, upon his or her initiative, or at the request of the department head, may investigate the classification of the position and, if justified, shall reclassify the position to a more appropriate class.

(e) The purpose of a reclassification instituted pursuant to this section is to ensure that a position, as defined by its duties and responsibilities is allocated to the appropriate class of positions and therefore properly classified. Reclassification may not be used as means for providing salary increases or as a promotional tool or in lieu of disciplinary action.

(f) When the reclassification of a position requires it, the Commissioner of Human Resources shall create a new class or make other appropriate changes in the Classification and Pay Plan, Schedule A.

(g) The Commissioner of Human Resources shall transmit to the department head concerned and to the Budget Director, a report setting forth any amendments to the allocation of a position or any other modification of the Classification Plan.

Section 10 - Review of Allocations or Reallocations

A department head may request a review of the allocation or reallocation of any classified position within twenty-one (21) days of notification. Any such review shall be conducted under the direction of the Commissioner of Human Resources. Only one such review shall be permitted per calendar year. If no request for review is filed with the Commissioner of Human Resources within twenty-one (21) days of his or her notification to the department head, the allocation or reallocation shall be considered accepted by the department head.

Employees may request of their department heads, in writing, a review of their individual positions. It shall be the decision of the department head to request or not request such review by the Commissioner of Human Resources.

Section 11 - Classification of Exempt Positions

The Commissioner of Human Resources shall classify all exempt positions, except positions of elected officials; executive heads of City departments; members of boards and commissions whose appointment is subject to confirmation by the City Council; administrative assistants to the Mayor, and such employees of the Mayor's Office appointed by the Mayor; and employees of the City Council. Such classification shall conform to the provisions of this Rule, and shall include the evaluation or grading of exempt positions for pay purposes. The statements of duties and responsibilities and desirable qualifications shall serve as guides for the selection and appointment of persons to exempt classes of positions.

Section 12 - Maintenance of the Classification Plan

The Commissioner of Human Resources shall establish a system for the continuous audit of the Classification Plan which will ensure the periodic coverage of all classified positions. Such audit shall include verification of: (1) the current duties of positions, (2) the accuracy of their allocation, and (3) the accuracy and completeness of the class specifications. Such audit may cover any or all positions within a department or positions included in designated occupation groups across departmental lines. The Commissioner of Human Resources shall make appropriate changes based on such studies.

Section 13 - Relative Grading of Classes

The Commissioner of Human Resources shall assign each class in the Classification Plan to a grade in the appropriate salary schedule, or to another appropriate pay basis. The class grade, or other pay basis, shall be specified in the Classification and Pay Plan, Schedule A. The Commissioner of Human Resources may authorize the reassignment of a class to a higher or lower grade in any salary schedule: (1) on the basis of the request of a department head on the grounds of internal consistency among classes, or significant change in the duties and responsibilities of a class; or (2) upon the initiative of the Commissioner of Human Resources on the same grounds or because survey data on prevailing practices in the labor market indicate that the current grade assignment is inappropriate. Upon determination by the Commissioner of Human Resources that

reassignment is to be made, notification shall be provided to the department head or department heads concerned and to the Budget Director. Unless reconsideration is requested by a department head within twenty-one (21) days of notification, the reassignment shall be made by amendment of the Classification and Pay Plan, Schedule A, to be effective as soon as possible, consistent with budgetary requirements.

Section 14 - Budgetary Approval

The establishment of positions and the appointment of persons to established positions are subject to approvals as required by the budgetary process.

RULE II - MAINTENANCE AND ADMINISTRATION OF THE COMPENSATION PLAN

Section 1 - Maintenance of the Compensation Plan

The Commissioner of Human Resources shall review the Compensation Plan in relation to prevailing pay and fringe benefits practices in the appropriate labor markets, and shall submit recommended changes to the Mayor and Budget Director. These recommendations may include new salary schedules, adjustments to existing schedules, grade changes and other appropriate changes.

Based upon any significant change in the predominant benefit practices of other employers in the appropriate labor markets, the Commissioner of Human Resources may recommend changes in fringe benefits and working conditions.

Section 2 - Administration of the Compensation Plan

Regulations governing the administration of the Compensation Plan and Employee Benefits shall be as set forth in the annual Salary Resolution as adopted by the City Council.

RULE III - APPOINTMENTS IN THE CITY SERVICE

Section 1 - Kinds of Appointments

Appointment to a position in the City Service shall be made as one of the following:

1. Positions Exempt from the Career Service:
 - (a) Senior Executive Service
 - (b) Other exempt positions, as follows:
 - (1) Exempt by Ordinance
 - (2) Exempt Confidential
 - (3) Exempt Program

2. Positions in the Career Service as follows:
 - (a) Probationary appointment
 - (b) Career appointment
 - (c) Provisional appointment
3. Emergency appointment.

Section 2 - Senior Executive Service

Appointments to Senior Executive Service positions are made at the discretion of the department head.

Section 3 - Other Exempt Positions

1. Exempt by Ordinance - certain classified positions are in specific exempt categories by definition of the positions as given in Chapter 2-74-030 of the Municipal Code. These include elected officials, executive heads of City departments, members of boards or commissions whose appointment is subject to confirmation by the City Council, employees of the Law Department, police officers above the rank of Captain, and firefighters above the rank of Battalion Chief, employees whose work is seasonal and does not exceed 180 days in any calendar year, a private secretary for each elected official, administrative assistants to the Mayor, and such employees of the Mayor's Office appointed by the Mayor, employees of the City Council unless such positions are specifically in Career Service by ordinance.
2. Exempt Confidential - these are exemptions from Career Service based on the need for flexibility in appointment to positions which are necessary in order to maintain confidentiality.
3. Exempt Program - These exemptions are based on the need for flexibility in appointment to positions which are administratively necessary in order to effect a program, including, but not limited to, such programs as student work experience programs, trainee programs, federal public service employment programs, and any other programs, which, because of the program requirements, cannot be subject to Career Service requirements.
4. Procedures for Exemption of SES, Exempt Confidential and Exempt Program Positions - The exemption of these positions shall be authorized by the following procedure: (a) A department head shall recommend the exemption in writing to the Commissioner of Human Resources, with the specific basis and justification for the exemption; (b) the Commissioner of Human Resources shall review each proposed exemption and make his or her comments and recommendations to the Mayor; (c) the Mayor shall approve or disapprove the exemption and notify the Commissioner of Human Resources; and (d) the Commissioner of Human Resources shall then notify the department head in writing of the approval or disapproval of the exemption.

Section 4 - Positions in the Career Service

1. Probationary Career Service Appointment - When a person who has not previously completed a probationary period as an employee of the City is certified and appointed from a General Employment list, she or he is given a Probationary appointment and serves under the Probationary appointment for the duration of the probationary period. The probationary period will be for six months consistent with Section 1, Rule IX.

In addition to the probationary period served at the time of initial appointment, employees promoted or appointed to a Career Service position of equal or greater responsibility shall serve a 60-day evaluation period in that new position, consistent with Section 1, Rule IX.

2. Career Appointment - an employee acquires Career Service status upon satisfactory completion of the appropriate probationary period. If an employee has quit, been separated, retired or has not actively worked for the City for 12 months (except for approved leave of absence and duty disability), or has been on layoff for more than 12 consecutive months if the employee had less than 5 years of service at the time of layoff, or was on layoff for more than 2 years if the employee had 5 or more years of service at the time of layoff, the employee must serve a probationary period upon return to City employment.
3. Provisional Appointment - Whenever a department head indicates a need to fill a position in the Career Service in a class for which either an appropriate employment list or the required number of eligible is not then available, and pending the establishment of an employment list, the Commissioner of Human Resources may authorize the vacancy to be filled by a Provisional appointment for a period not to exceed nine months.

An employee serving under a Provisional appointment must meet the qualification requirements for the position being filled. The employee serving under a Provisional appointment may be disciplined or terminated at the discretion of the appointing authority. Such employee has no right to review or appeal from such actions.

Section 5 - Emergency Appointment

Whenever a serious emergency exists in which substantial impairment, harm or loss to the citizens, the property of the City, or a program of the City will result, and which makes it impossible to fill a position in the Career Service by the normal procedure, a department head, with the consent of the Commissioner of Human Resources, may appoint any qualified person to such position under an emergency appointment. Such person shall be employed only during such emergency and for a period not to exceed ninety (90) calendar days.

Section 6 - Personnel Management Service for Exempt Positions

The Commissioner of Human Resources shall provide personnel management services for exempt positions. Such services shall include salary and fringe benefit administration, and services dealing with training, education, safety, health, counseling and employee relations.

RULE IV - RECRUITMENT AND APPLICATIONS

Section 1 - Recruitment

Recruitment of candidates for positions in the City Service will be carried out through any methods appropriate to assure that qualified persons have the opportunity to apply and to be considered for such positions. The elements of the recruitment program may include, but not be limited to:

- Recruiting persons in high schools and on college campuses.
- Maintaining effective contacts with sources of available candidates.
- Operating recruitment centers to service different geographical areas of the City.
- Publicizing notices or announcements of examinations through City-wide and community news media, internet technology, and by direct notification to the various sources of available candidates.
- Preparing and distributing materials that are descriptive and informative about employment in the City Service.
- Recruiting to meet the City's equal employment opportunity and/or affirmative action objectives.

Section 2 - Delegation of Recruitment Responsibility

The Commissioner of Human Resources may delegate all or part of the responsibility for recruitment for a particular class of positions to one or more department heads. The Commissioner of Human Resources shall maintain the responsibility of coordinating any such recruitment effort between the Department of Human Resources and the various departments.

Section 3 - Announcement of Examinations

All examination announcements for positions in the Career Service shall be posted in the offices of the Department of Human Resources, and may be distributed to the news media, to community organizations, to members of the City Council, and to any other recruitment source deemed appropriate by the Commissioner of Human Resources. The examination announcement shall include the title, duties, salary, and qualifications required for the class of positions, as well as information on how to make application, the date of the examination, filing period, and other pertinent information.

Section 4 - Application for Career Service Position

All applications for positions in the Career Service shall be made on forms prescribed by the Commissioner of Human Resources, and shall become part of the applicant's record.

Section 5 - Residence

All applicants for positions in the City of Chicago shall be actual residents of the City of Chicago at the time of employment. The Commissioner of Human Resources may waive this residency requirement for a particular applicant upon written request, or for a particular job based upon his or her determination that such waiver is for good cause and serves the interest of the City. An individual waiver is not necessary where the residency requirement is waived for the job in question. The Commissioner of Human Resources shall make a decision on any individual request, which shall be final. This waiver at the time of application does not affect the requirement to be an actual resident of the City of Chicago at the time of appointment and during employment as set forth in Section 2-152-340 of the Municipal Code of Chicago.

Section 6 - General Qualifications

Applicants for positions in the Career Service shall satisfy reasonable requirements established by the Commissioner of Human Resources as to qualifications, character and criminal record.

Section 7 - Rejection of Applications

The Commissioner of Human Resources may reject any applicant for the following reasons:

- (a) The applicant does not possess one or more of the requirements specified in the announcement of the examination.
- (b) The application was not received on the prescribed form on or before the closing date for receiving applications.

- (c) The applicant falsified or failed to complete the application form, or otherwise made a false statement or omission of a material fact or practiced fraud or attempted deception in attempting to secure appointment.
- (d) The applicant is unable to perform the essential functions of the position.
- (e) The applicant currently uses cannabis or controlled substances illegally or abuses intoxicating beverages.
- (f) The applicant has been convicted of a crime related to the employment sought. Persons who have engaged in any act or conduct prohibited by state or federal statute or municipal ordinance will be subject to review of such record by the Commissioner of Human Resources or his or her designated representative and may be subject to disqualification.
- (g) The applicant was previously employed by the City and was dismissed for cause, or resigned not in good standing, or the applicant was dismissed for relevant cause by another employer.

RULE V - EQUAL EMPLOYMENT OPPORTUNITY

The City of Chicago is an Equal Employment Opportunity employer. The City of Chicago follows all applicable federal, state, and local laws and ordinances prohibiting discrimination.

Section 1 - Discrimination Prohibited

The City of Chicago, through its Human Rights Ordinance, prohibits discrimination based on race, color, sex, gender identity, age, religion, disability (including, but not limited to, those living with HIV), national origin, ancestry, sexual orientation, marital status, parental status, military service or discharge status and source of income.

Section 2 - Harassment Prohibited

The City of Chicago prohibits unlawful harassment based on race, color, sex, gender identity, age, religion, disability (including, but not limited to, those living with HIV), national origin, ancestry, sexual orientation, military service or discharge status.

The City of Chicago, through its Human Rights Ordinance also prohibits sexual harassment which means any unwelcome sexual advance or request for sexual favors or conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or receipt of City services; or when submission to or rejection of such conduct by an individual is used as the basis of an employment or service decision affecting the individual; or when such conduct has the purpose or effect of substantially interfering with the work performance of an employee or creating an intimidating, hostile or offensive work environment.

Section 3 - Retaliation Prohibited

It is a violation of this rule, the City's Diversity, Sexual Harassment Policy and Equal Employment Opportunity Policy and City ordinance to retaliate against or harass any person who asserts his or her rights regarding employment discrimination by: 1) opposing discriminatory practices in the workplace; 2) complaining about conduct prohibited by this policy; 3) complaining to, cooperating with or assisting the Department of Human Resources, or Office of Compliance or individual departments in resolving a complaint of discrimination.

Any action against an employee or applicant which affects the terms and conditions of employment, including but not limited to: refusal to hire, denial of promotion or job benefits, discipline in excess of an oral reprimand, demotion, suspension, or discharge may be considered retaliatory.

Section 4 - Applicability

This rule applies to applicants, volunteers, consultants and employees, whether paid or unpaid, of the City of Chicago.

Section 5 - Penalties

Employees found to be in violation of this rule will be subject to discipline, up to and including discharge.

RULE VI - EXAMINATIONS

Section 1 - General Provisions

Examinations shall be prepared and conducted under the direction of the Commissioner of Human Resources. Examinations shall be designed to furnish eligible lists as needed for all classes of positions in the Career Service. There are two types of examinations, general employment examinations and promotional examinations. The Commissioner of Human Resources shall determine the minimum requirements for participation in the examination process.

The examination process may include consideration of any or all of the following factors: education, training, experience, knowledge, skills, abilities, personal characteristics, past job performance, seniority, time in grade, physical and/or mental fitness, past behavior, criminal background and other factors as determined to be appropriate by the Commissioner of Human Resources. The method by which such factors are to be considered is to be determined by the Commissioner of Human Resources.

This rule applies to general employment and promotional examinations. Additional provisions applying to promotional examinations are found in Rule X.

Examinations may be held at one time or on an open and continuous basis. Examinations may result in single or multiple eligible lists.

Section 2 - Use of Examinations

The Commissioner of Human Resources may establish the use of the various parts or components of the examination process based on several factors including, but not limited to, the efficient administration of the examination process, operational considerations, the relationship of the components to the position or class of positions, and other factors as determined to be appropriate by the Commissioner of Human Resources.

A single component, or several or all components, of the examination process may be used to set pre-examination screening criteria, to establish passing or qualifying scores, to establish the relative fitness of applicants, to determine eligibility to commence pre-service training and for any other purpose as determined to be appropriate by the Commissioner of Human Resources.

The passing score on an examination or any component of an examination may be based on the scores on the examination or any part thereof, statistical analysis of the distribution of scores, the requirements of the position involved, the number of positions to be filled within a reasonable period of time, and other factors as determined to be appropriate by the Commissioner of Human Resources.

Section 3- Applicants Preference

(a) Veteran's Preference

Qualified applicants who have served on active duty in the Armed Forces of the United States, the Illinois National Guard, or any reserve component of the armed forces of the United States for a cumulative period of 180 days, and who have received an honorable or general discharge, may be awarded veteran's preference when application is submitted with proof of veteran status, unless superseded by a collective bargaining agreement. Veteran's preference can be awarded only once during employment with the City of Chicago. To qualify for the preference, the applicant must be otherwise qualified for the job and must be eligible for the position.

The preference granted under this section shall be in the form of five (5) percent added to the final score of those applicants with a passing score for ranked examinations. For all other selection methods, applicants who meet all qualifications will be given preference in processing. A minimum of twenty (20) percent of those referred will be veterans provided there are a sufficient number of qualified veterans who applied.

(b) Line of Duty Preference

Qualified applicants who are immediate family members of sworn Police and uniformed Fire Department Personnel who died in the line of duty or who were immediate family members of individuals who have served on active duty of the Armed Forces of the United States, the Illinois National Guard, or any reserve component of the United States who died in the line of duty in a combat zone, will be granted preference for an entry sworn Police or uniformed Fire Department position, providing the preference is not

superseded by a collective bargaining agreement. The definition of immediate family member, line of duty, and combat zone will be determined by the appropriate authorizing and governing bodies. To qualify for the preference, the applicant must otherwise qualify for the job and must be eligible for the position.

The preference granted under this section shall be in the form of preference in processing. Applicants who qualify under this section will receive consideration before other qualified applicants for approved, vacant positions unless superseded by a collective bargaining agreement.

Section 4 - Conduct of Examinations

The convenience of the City and the needs of the service may be considered in determining the time and place for holding examinations. Examination procedures shall be conducted, and tests shall be held in such ways and under such conditions as to prevent fraud or other misconduct.

The Commissioner of Human Resources may but is not required to authorize the creation of study guides, reading lists, sample questions and other materials to assist applicants in preparation for examinations. These materials may be made available by any reasonable manner as determined by the Commissioner of Human Resources. The Commissioner of Human Resources may impose a reasonable charge for distribution of these materials. This rule does not require the distribution of such materials to each individual applicant.

Section 5 - Fraudulent Conduct or False Statement by Applicant

Fraudulent conduct or false statements by an applicant or by others with the applicant's connivance, in any application or examination, shall be cause for the exclusion of such applicant from an examination, or for removal of such applicant's name from all employment lists, or for discharge from the service after appointment.

Section 6 - Applicant's Background Investigation

The Commissioner of Human Resources may investigate the background of applicants based on any factor permitted by section 1 of this Rule including, but not limited to, education, training, experience, knowledge, skills, abilities, personal characteristics, past job performance, seniority, time in grade, physical and/or mental fitness, past behavior, criminal background, and any other factors as determined to be appropriate by the Commissioner of Human Resources. The method of investigating such factors shall be determined by the Commissioner of Human Resources.

Section 7 - Confidential Nature of the Examination Process and Material

It is the responsibility of every employee and representative of the Department of Human Resources to treat as confidential any information available to them concerning

examination materials and ratings earned by competitors. Any employee engaging in corrupt or negligent practices in connection with examinations shall be subject to disciplinary action.

In order to protect the security of test material and to protect the rights and privacy of applicants, all applications, examination and test material shall be regarded as privileged and confidential and not available for public inspection.

Section 8 - Notification of Examination Results

Applicants shall be notified in writing of their final score and placement on the eligible list or lists generated as a result of the examination process. The Commissioner of Human Resources also may notify applicants of the results of any components of the examination process, as determined to be appropriate by the Commissioner. Where an examination is pass/fail, the notification shall indicate whether the applicant has passed the examination.

Section 9 - Responsibilities of Applicants

All applicants are responsible for reporting to and participating in all tests or parts of an examination, and furnishing all information or materials that are requested, in accordance with the examination announcement and such instructions as are furnished by the Department of Human Resources. Candidates who fail to follow such instructions shall be disqualified. Applicants and persons whose names are placed upon an employment list must notify the Commissioner of Human Resources immediately in writing of any change of address or change of name.

RULE VII - EMPLOYMENT LISTS AND TRANSFERS

Section 1 - Types of Employment Lists

Persons may be certified for appointment to positions from five types of employment lists:

- (a) Layoff lists, which contain the names of persons who have Career Service status and have been laid off, and are available to be returned to employment in their class of positions. They may also contain the names of persons who were on leave of absence, or on Reinstatement lists, consistent with Section 7 of this Rule.
- (b) Reinstatement Lists, which contain the names of persons who have completed and are returning from leaves of absence and are available for reinstatement in their class of positions.
- (c) Duty Disability Priority Employment lists, which contain the names of persons who have been determined to be permanently partially disabled while employees of the City. This determination will be based on a medical evaluation and an evaluation of their present functional capabilities.

- (d) Promotional lists, which contain the names of persons who are qualified for a class of positions as a result of promotional examinations.
- (e) General Employment lists, which contain the names of persons who are qualified as a result of open competitive examinations for appointment to the class of positions covered by the lists. Such lists shall also contain names of former employees whose resignations had been withdrawn and whose names appeared on reemployment lists prior to the abolition of such lists.

Section 2 - General Conditions for General Employment and Promotional and Duty Disability Priority Employment Lists

- (a) Departmental Needs - The Commissioner of Human Resources may establish employment lists for particular departments or agencies and/or for positions in the Career Service as a whole. The Commissioner of Human Resources may develop the employment lists to account for departmental needs on the basis of location or area of employment, when satisfied that such action will assist in the administration of certifications and appointments.
- (b) Merger of Lists - Employment lists may be merged: (1) whenever two or more classes of positions have been consolidated, or, (2) whenever separate lists exist for the same class resulting from successive or continuous examinations. Such merger may be made if the Commissioner of Human Resources determines the merger helpful in the administration of the selection process.
- (c) Availability for Employment - It shall be the responsibility of all persons whose names appear on employment lists to advise the Department of their continuing availability for employment upon request of the Commissioner of Human Resources. Failure to respond to the request shall be grounds for removal from a list.
- (d) Effects of Waiver of Appointment - Except as specified elsewhere in these Rules, a person whose name appears on an employment list may elect not to accept appointment to a position, provided that he or she properly informs the Department of Human Resources within five (5) working days of receiving notification of certification. If this waiver of appointment is approved by the Commissioner of Human Resources, the eligible person will remain on the employment list until the waiver is withdrawn or expires. An eligible person shall be entitled to two (2) waivers or a total of six (6) months of time on waiver, whichever comes first. A person on a Duty Disability Priority Employment list must accept the first job offer and is not entitled to request waiver of such appointment.
- (e) Causes for Removal - Names of eligible persons may be removed from employment lists by the Commissioner of Human Resources for any of the following reasons:
 - (1) Unfavorable background information as it relates to the position;
 - (2) Inability to deliver mail to the eligible person;

- (3) Proof of fraudulent acts perpetrated by the eligible person in the application and/or examination process;
- (4) Request of the eligible person;
- (5) Failure to report to the department at the time set by the department;
- (6) Failure to report for work after appointment;
- (7) Failure to complete and pass any pre-employment conditions, such as medical or psychiatric examinations;
- (8) Failure to advise the Department of Human Resources of current availability for certification and appointment as directed;
- (9) Waiver of certification and employment for a cumulative period exceeding six (6) months, or more than twice during the life of the employment list, whichever comes first.

Section 3 - General Employment and Promotional Lists

The Commissioner of Human Resources may establish general employment and promotional lists in a manner determined to be appropriate for the position. The following methods may be used separately or in combination to place names on such lists:

- (a) in categories or groups of eligible applicants based on relative qualifications, in which relative qualifications are determined by examination scores or other appropriate factors;
- (b) by passing scores on pass/fail examinations;
- (c) by rankings in order of relative excellence;
- (d) by random selection within categories or groups of eligible applicants; and
- (e) by any other method determined to be appropriate by the Commissioner of Human Resources.

Eligible lists may be canceled by the Commissioner of Human Resources at any time.

Nothing in these rules shall limit the Commissioner of Human Resources from using eligible lists for lawful affirmative action including, but not limited to, non-rank order appointments, appointments from within bands of scores and other appropriate methods of selection.

General employment lists may be based upon open and continuous examinations. As persons are qualified on the basis of such examination their names shall be added to the list in the appropriate place.

When a person's name is on a promotional list, and he or she already occupies a City position higher than the one examined for and with related duties, the person may be granted career service status in the lower title without leaving the higher position. This can be done only if the employee can be certified in accordance with Rule VIII of these Personnel Rules, if the department head requests such action in writing, and if the request is approved by the Commissioner of Human Resources.

Section 4 - Duty Disability Priority Employment List

In the interest of returning its Medical Maximum Improvement (MMI) employees to work within their present functional capabilities, the City has established duty Disability Priority Employment lists. A person on such a list will receive priority hiring considerations over persons on Promotional and General Employment lists as long as applicable Collective Bargaining Agreement language does not conflict with such action.

An MMI employee will be placed on a Duty Disability Priority Employment list after a determination of their functional capabilities and an evaluation of their acquired training and experience find they are able as required to perform the duties of that specific job title.

Section 5 - Reinstatement Lists

- (a) Placement of Names on Lists - The name of a person seeking reinstatement on a return from a leave of absence shall be added to the appropriate Reinstatement list. Reinstatement lists shall be departmental only. Persons will be ranked on such list according to continuous service with the City as on file with the Department of Human Resources.
- (b) Limit on Retention of Names on List - The name of a person seeking reinstatement shall be retained on a Reinstatement list until the employee is reinstated except that his or her name shall be removed: (1) after 12 consecutive months if no offer of reinstatement has been made or, (2) immediately if the employee is offered and declines an appointment.

Section 6 - Layoff Lists

- (a) Placement of Names on Lists - The names of Career Service employees laid off shall be placed on appropriate Layoff lists according to Career Service seniority in the class as on file in the Department of Human Resources records. These lists shall be departmental only.

At the discretion of the Commissioner of Human Resources, the name of an employee who was on a leave of absence or on a Reinstatement list when a layoff occurred, may be placed on the appropriate Layoff list for the class according to Career Service seniority in the class. This can be done only when, in the judgment of the Commissioner of Human Resources, it serves the best interest of the City.

(b) Limit on Retention of Names on List - The name of a person shall be retained on a Layoff list until the person is reemployed, except that the person's name will be removed from the Layoff list:

- (1) after twelve (12) consecutive months, if the employee had less than five (5) years of continuous service at the time of layoff; and
- (2) after two (2) years, if the employee had five (5) or more years of continuous service at the time of layoff.

Also, the employee's name will be removed if she or he is offered and declines an appointment during the layoff period.

Section 7 - Removal of Names

The Commissioner of Human Resources may review these lists periodically and remove the names of those individuals who: (1) do not affirm in writing that they are interested in reinstatement or, (2) cannot be contacted by regular mail at the address on record.

Section 8 - Transfers

Any employee with Career Service status may request a transfer from a position in one City department to a lower rated or equal rated position in another City department. Such request must be approved by the heads of both departments involved in the transfer and by the Commissioner of Human Resources. The department head of the receiving department shall have access to performance ratings of an employee seeking transfer prior to the approval of the transfer.

RULE VIII - CAREER SERVICE APPOINTMENTS

Section 1—Sequence of Employment Lists

The list of persons referred to the department head shall be made from available employment lists in the following sequence:

- (a) Layoff lists
- (b) Reinstatement lists
- (c) Duty Disability Priority Employment lists
- (d) Promotional lists
- (e) General Employment lists

A department head shall not be required to verify eligibles from Layoff or Reinstatement or Duty Disability Priority Employment lists of other departments.

However, a department head may request such verification. If a departmental unit is transferred from one department to another, any existing Layoff, Reinstatement, or Duty Disability Priority Employment list will belong to the receiving department.

Section 2 –Appointments to Career Service Positions

The department head shall make appointments to Career Service positions from among qualified persons certified to the department head by the Commissioner of Human Resources.

In the case of certifications from Layoff or Reinstatement lists, the department head shall appoint the person or persons certified, unless he or she shows, in writing to the Commissioner of Human Resources, good cause for not appointing such person. In the latter circumstance, and with the approval of the Commissioner of Human Resources, the department head shall request and the Commissioner of Human Resources shall furnish a new certification.

In the case of certification from Duty Disability Priority Employment lists, the department head shall appoint from the persons certified, unless, in compliance with Collective Bargaining Agreement language, an eligible bidder is selected.

Whenever establishment of special qualifications for a particular position has been requested by the appointing authority, such as fluency in a language other than English, and approved by the Commissioner of Human Resources, certification shall be limited to those eligible on the appropriate list possessing those special qualifications.

In the event that an employment list is not available from which a certification can be made, the Commissioner of Human Resources may authorize a Provisional appointment. Any Provisional appointment may last for a period of up to nine (9) months, but only until a new employment list becomes available.

An employee can have Career Service status in only one title. When an employee who has Career Service or Probationary Career Service status in a position leaves that position and is certified and appointed to a new position, she or he is separated permanently from the former position, with the following exception: such an employee may, upon the recommendation of the department heads concerned and the approval of the Commissioner of Human Resources, (1) be reinstated in a vacancy in the same class from which she or he was separated, or (2) subject to the provisions of Rule VII, Section 6, have her or his name placed on a Reinstatement list (upon separation from the new position) for the same class. Seniority credit in the new position will be transferred to the former position if the request for reinstatement is made within one year of the appointment to the new position.

A department head, with the agreement of the individual and the approval of the Commissioner of Human Resources, may appoint a person from an employment list to a position lower than the one examined for but with similar duties and qualifications. This can be done only if the person's name can be certified in accordance with Rule VIII of these Rules.

RULE IX - PROBATIONARY PERIOD

Section 1 - Probationary Period

Except as provided herein and in the City's collective bargaining agreements, persons appointed to Career Service positions will be Probationary employees for the first six (6) months of employment, and will receive no seniority or continuous service credit during such probationary period. Any period of absence from work in excess of ten (10) days shall extend the probationary period for a period of time equal to the absence. Probationary employees continuing in the service of the employer beyond their probationary period shall be Career Service employees.

Employees who have achieved Career Service status in a position who are thereafter promoted or appointed to another Career Service position of equal or greater responsibility shall have an evaluation period not to exceed sixty (60) days, to demonstrate that he/she can perform the duties of the new position. Employees found to be unable to perform the duties of the new position at any time during this sixty (60) day period shall be returned to their former position displacing, if necessary, any employee who has been placed into said position.

A person appointed to an entry-level position as a Police Officer, shall serve a required eighteen (18) month probationary period, regardless of prior Career Service status in another City position, in the interest of public safety. A person appointed to an entry-level position as a Firefighter or Paramedic shall serve a required nine (9) month probationary period, regardless of prior Career Service status in another City position, in the interest of public safety.

Section 2 - Discipline of Probationers

The department head may suspend a Probationary employee. The employee does not have the right to request review of such action.

A department head may discharge an employee during the probationary period and should notify the Commissioner of Human Resources in writing. Failure of the department head to provide notification to the Department of Human Resources shall not affect the termination.

Section 3 - Career Service Status

Any employee who completes a probationary period shall have Career Service status subject to Section 1 hereof.

RULE X - PROMOTIONS AND CAREER PROGRESSIONS

Section 1 - Promotion Policy

Vacancies will be filled where appropriate through the use of promotional examinations. In cases where there are insufficient eligible candidates from within the City Service or, in the judgment of the Commissioner of Human Resources, the job requirements and the interest of the City Service are best served by considering applicants from outside the City Service, the Commissioner of Human Resources may authorize the use of a general employment examination. When a general employment examination is authorized, persons from within the City Service who meet the qualification requirements may participate in the examination, and appropriate consideration may be given in the examination for their manner of performance and service.

The Commissioner of Human Resources shall develop promotional procedures that give appropriate consideration to the applicants' qualifications, records of performance and abilities. These procedures may be used to establish sequential promotions based on satisfactory performance, demonstrated attainment of job skills, and successful completion of time in grade in a position within a job family. The methods by which these characteristics are considered may include but are not limited to the factors outlined in Rule VI and the applicable provisions outlined in the collective bargaining agreement.

A discrete part of a promotional examination may determine merit based on evaluation of the applicants' records of performance by the employing department. The method of evaluation shall be prescribed by the Commissioner of Human Resources. In such case, the Commissioner of Human Resources may maintain two promotional lists based on a single examination; one based on evaluation of record of performance and one based on the remaining parts of the examination process. The Commissioner of Human Resources shall determine the percentage of promotions to be made from each list. No person may be promoted based on record of performance unless he or she has achieved a passing score on all parts of the examination for which a pass/fail point has been established.

Section 2 - Eligibility

The Commissioner of Human Resources shall determine the requirements for participation in promotional examinations. This determination may include a requirement that applicants have Career Service status in the appropriate title or titles for a specific period of time. Such requirements may include the factors outlined in Rule VI and other appropriate factors.

The Commissioner of Human Resources also may consider the same factors in determining eligibility for participation in pre-service training and for promotion.

Where appropriate, eligibility may be limited to persons within a department when the experience required for the promotional position can be obtained only within that department.

RULE XI - LEAVES OF ABSENCE

Section 1 - Leaves of Absence for Career Service and Probationary Career Service Employees

Leaves of absence may be granted to Career Service and Probationary Career Service employees provided that the reasons for such leaves are job-related, or are to relieve a hardship condition, or are in response to a reasonable personal requirement, and in all cases are deemed beneficial to the City Service. The City's leave policies will be in compliance with applicable laws. The granting of leaves of absence is a responsibility of the department heads, subject to review and approval by the Commissioner of Human Resources. Leaves of absence may be authorized for the following purposes and under the stated conditions:

- (a) Duty Disability - A leave of absence shall be granted to Career Service and Probationary Career Service employees for duty disability when the employee cannot perform assigned duties because of a job caused injury or illness. Upon providing an approval and release for return to work to the prior position from the City's designated health practitioner, the employee shall be returned to a position in the same class as the position formerly held, unless such position does not exist by reason of a reduction in force, including, but not limited to a lack of appropriated funds for such position.
- (b) Leave to a Non-Career Service Position - A leave of absence without pay shall be authorized to enable a Career Service or Probationary Career Service employee to be elected or accept appointment to an elective office or to a compensated non-Career Service position. Failure to request such leave of absence shall be grounds for discharge. The leave may be extended for so long as the employee serves in that non-Career Service position. An employee seeking return from a leave for appointment or election to another City office or position will be reinstated to a position in the same class as the position formerly held, if such position exists, is vacant and the department head wishes to fill it. If qualified, as determined by the Commissioner of Human Resources, the employee may be reinstated to a similar position of the same grade in the department, if there is a vacant position which the department head wishes to fill. If no vacancy exists as described, the employee's name shall be placed on the appropriate Reinstatement list.
- (c) Personal - A leave of absence without pay may be granted to a Career Service or Probationary Career Service employee for personal reasons of the employee, provided that the purpose of the leave is deemed beneficial to the City Service or is in response to a reasonable personal requirement, including family care responsibility and seeking or accepting public office not covered by Subsection (b) of this Section. Said leaves may be granted for up to three (3) months provided they may be renewed for like three (3) month periods not to exceed a total leave of twelve (12) months.

An employee on personal leave of absence for one year or less will be reinstated to a position in the same class as the position formerly held, if such position exists, is vacant, and the department head wants to fill it. If qualified, as determined by the Commissioner of Human Resources, the employee may be reinstated to a similar position in the same grade within the department, if there is a vacant position which the department head wishes to fill. If no vacancy exists as described, the employee's name shall be placed on the appropriate Reinstatement list.

- (d) Maternity and Medical Leave - Career Service and Probationary Career Service employees shall be granted leaves of absence without pay, upon request, for medical reasons including disability due to maternity. Said medical leaves of absence shall be granted for up to three months, provided said leaves shall be renewable for like three-month periods. The department head shall require satisfactory proof of the need for a medical leave of absence or the extension of such leave.

An employee, who returns from a medical or maternity leave of absence shall be reinstated to a position in the same class as the position formerly held, if such position exists, is vacant and the department head wishes to fill it. Otherwise the employee's name will be placed on a Reinstatement list. A written release from the employee's physician will be required prior to reinstatement except in the case of maternity.

Section 2 - Administration of Leave of Absence

All leaves of absence shall be governed by the following procedures:

- (a) Leaves must be applied for by the employee seeking the leave on forms prescribed by the Commissioner of Human Resources. Before the leave begins it must be approved by the department head and, where required, by the Commissioner of Human Resources. All leaves must be reported to the Commissioner of Human Resources.
- (b) The Commissioner of Human Resources shall be responsible for giving both the employee and the department head timely notification of an upcoming expiration of leave of absence. The employee shall then be responsible for notification to the department head concerning her or his intention to return to work.
- (c) If an employee fails to return to work upon expiration of his or her leave of absence, without making application for extension or without being placed on a Reinstatement list, it shall be considered that the employee resigned effective as of the last day of the authorized leave of absence. The Commissioner of Human Resources shall notify the employee that the resignation has been effected by the action of the employee as authorized on the "Request for Leave of Absence" form.
- (d) A leave of absence may be cancelled by the Commissioner of Human Resources if the cause for its original authorization was fraudulent or has ceased to exist. A department head may seek to have an employee on leave of absence discharged, and the right to reinstatement withdrawn by action of the Human Resources Board under the provisions of Rule XVIII, Disciplinary Actions and Procedures.
- (e) All employees who return from leaves of absence shall, as a condition of their return, have the present ability to perform the required work without further training after a reasonable amount of orientation.
- (f) Any person who is on a leave of absence from the City Service shall not be considered in the certification and appointment from eligible lists.

Section 3 - Authorized Absence for All Employees

- (a) Training - Absence with pay may be granted for attendance at a college, university or other training facility for the purpose of training in subjects relating to the work of the employee as part of an approved training program. If such absence is for one month or less, it shall be subject to, reported to and approved by, the Commissioner of Human Resources. If such absence is for more than one month, the Commissioner of Human Resources shall recommend the absence for approval by the Mayor.
- (b) Jury Subpoena - An employee who serves on a jury or is subject to a proper subpoena (except if the employee is a party to litigation) shall be granted leave with pay during the term of such absence, provided that the employee deposits her or his jury duty pay or witness fees with the City Comptroller for those days which the employee was scheduled to work for the City and receives pay or compensatory time for said work.
- (c) Military Training or Special Duty - Any employee who is a member of a reserve force or national guard of the United States or of the State of Illinois, and who is ordered by appropriate authorities to attend a training program or to perform other duties under the supervision of the United States or the State of Illinois, shall be granted paid leave of absence during the period of such activity, not to exceed fourteen (14) calendar days in any calendar year, in the case of a member of a reserve force; and not to exceed fifteen (15) calendar days in the case of the national guard. Employees hired after February 13, 1986, shall deposit their military pay with the City Comptroller for all days compensated by the City of Chicago. Such leave shall not result in deduction from vacation leave credit.
- (d) Family and Medical Leave - The City of Chicago is an employer subject to the federal Family and Medical Leave Act. The U.S. Department of Labor publication entitled "Your Rights Under The Family and Medical Leave Act of 1993", WH Publication 1420, is hereby incorporated as an Addendum to Personnel Rule XI, for the information of City employees. Additional policies and procedures covering Family and Medical Leave shall be promulgated by the Commissioner of Human Resources and other City agencies and departments with authority over such matters, and shall be distributed to the various agencies and departments for implementation.
- (e) VESSA Leave - The City of Chicago is an employer subject to the Victims' Economic Security and Safety Act (VESSA), which protects the employment security and workplace safety of employees who are victims of domestic or sexual violence or employees who have a family or household member who is a victim of domestic or sexual violence. VESSA provides employees with the legal right to an annual allotment of up to twelve (12) weeks of unpaid leave, reasonable accommodations to workplace facilities or job requirements and protection against discrimination. "Family member" includes a parent, spouse, son, or daughter. "Household members" are persons jointly residing in the same household.

Employee Rights Under VESSA

- Employees who are eligible, may take up to twelve (12) workweeks of unpaid leave during the twelve (12) months following their request for VESSA leave.

- VESSA may be taken in increments, intermittently, or on a reduced work schedule.
- The ACT does not create a right for an employee to take unpaid leave that exceeds the unpaid leave time allowed under, or is in addition to, the unpaid leave time permitted by the Family and Medical Leave Act.
- Although VESSA leave may be unpaid, an employee may elect to substitute accrued paid leave for any portion of VESSA leave. However, an employer may not compel an employee to exhaust any portion of his/her paid leave before using (or in substitution of) VESSA leave.
- Group health plan benefits must be maintained through the duration of leave under the conditions coverage would have been provided if the employee had continued in employment.

An employer must reinstate an employee to the same or equivalent position upon his/her return from VESSA leave.

EMPLOYEE RIGHTS AND RESPONSIBILITIES
UNDER THE FAMILY AND MEDICAL LEAVE ACT

Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulations 29 C.F.R. § 825.300(a) may require additional disclosures.



For additional information

1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627

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U.S. Department of Labor | Employment Standards Administration | Wage and Hour Division



**RULE XIA - LEAVES OF ABSENCE FOR NON-CAREER SERVICE
EMPLOYEES**

Section 1

Subject to the provisions of this Rule, an employee who does not have Career Service or Probationary Career Service status may be granted a leave of absence, provided that the reasons for such leaves are job-related, or are to relieve a hardship condition, or are in response to a reasonable personal requirement. The granting of such leaves is the responsibility of the department heads, subject to review and approval by the Commissioner of Human Resources. For the purposes of this Rule, the term "department head" includes the Mayor with respect to department heads.

Section 2

Employees who do not have Career Service status are and remain employees "at will". They may be disciplined or discharged at any time for any reason or no reason. The granting of a leave of absence confers no rights to employment with the City, either before a leave, while on leave, for reinstatement purposes or thereafter.

Section 3

If a non-Career Service employee is granted a leave of absence, the department head may, but shall not be obligated to, keep the position vacant and reinstate the employee upon termination of the leave if the person meets the qualifications for the position. The City's leave policies will be in compliance with applicable laws.

Section 4

Applications for leaves of absence shall be made on forms prescribed by the Commissioner of Human Resources and shall contain a copy of Section 2 of this Rule.

RULE XII - REDUCTIONS IN FORCE

Reductions in force, including layoffs, may be made in the absence of sufficient work or funds, upon abolition of a position because of a change in duties associated with it, or because of a change in organizational structure.

- (a) Notice - Whenever a reduction in force occurs, the appropriate department head shall give written notice to the Commissioner of Human Resources and to the affected employee.

- (b) Order of Separation and Layoffs - Reductions in force shall be made according to class within a department. They shall be made in the following order in the department:
- first, provisional employees in the class must be separated;
 - next, Probationary Career Service employees in the class must be separated;
 - then Career Service employees in that same class may be laid off.

The department head shall determine the order of separation of Provisional and of Probationary Career Service employees.

When employees with Career Service status are laid off, such layoffs shall be made according to Career Service seniority in the class from which layoff are to be made within the department. If two (2) or more employees have equal Career Service seniority, the department head shall determine the order of layoff of such employees.

- (c) Reinstatement of Career Service Employees - The names of employees with Career Service status who are laid off shall be placed on appropriate Layoff lists and shall be considered preferentially for reappointment to their former positions in accordance with the Personnel Rules on Employment Lists and on Certifications.

RULE XIII - RESIGNATIONS

An employee shall submit her or his resignation to the department head in writing. The resignation should be submitted at least two weeks prior to leaving the City Service. Failure to give proper and timely notice of resignation shall be a factor considered in any future application for employment with the City.

Once a resignation is given to the appropriate departmental authority by the employee, it cannot be withdrawn by the employee, irrespective of its effective date.

When an employee resigns, the employment relationship with the City is terminated the former employee may apply for positions through the City's existing hiring process.

RULE XIV - PERFORMANCE EVALUATIONS

Section 1 - Performance Evaluation Policy

The performance of all employees shall be evaluated periodically. The evaluation of performance shall be an integral part of the responsibility of each supervisor under the department head. It shall be the responsibility of each department head to assure that performance evaluations of employees are made and used in an appropriate manner.

Section 2 - Performance Evaluation Systems

The Commissioner of Human Resources shall develop performance evaluation systems which may take into account differences in work performed and level of positions involved. The Commissioner of Human Resources will authorize and assist departments in developing performance evaluation systems. The Commissioner of Human Resources may adopt the use of special rating systems for promotions, which may report on an employee's promotional potential as well as performance.

Section 3 - Performance Evaluation Records

The evaluation of the performance of individual employees shall be maintained as a part of the employee's personnel record, and shall be available to the employee upon written request.

Section 4 - Application of Results of Performance Evaluation

The results of performance evaluations shall be considered in determining salary increases for meritorious service or denial of salary increases related to performance. The performance ratings of employees may be used as: a basis for termination or retention; as a factor in promotional examinations; and as a factor in transfers, reinstatements, and disciplinary actions including discharges.

Section 5 - Review of Performance Evaluation

An employee may request a review of a performance evaluation. Any request for review of the performance evaluation must be made in writing to the department head within seven (7) calendar days of the date the employee signed the evaluation. A review of the evaluation shall be made under the direction of the department head.

RULE XV - TRAINING AND CAREER DEVELOPMENT

Section 1 - Responsibility for Training

Each department head shall have the responsibility to identify training needs, and, based on available resources and staff, to prepare and conduct training programs that will effectively meet those needs which are unique to the operations of the department concerned.

Section 2 - Types of Training and Career Development Programs

The Commissioner of Human Resources shall ensure that the overall training program of the City provides a proper balance between the training of employees to improve their current effectiveness and the development of employees for career advancement. Appropriate methods of on-the-job and off-the-job training shall be utilized as required to effectively satisfy training needs.

Employee development opportunities will be designed and implemented to assist in preparing individuals in the workforce for more effective and efficient performance, as well as for advancement opportunities.

Section 3 - Use of Non-City Facilities

The Commissioner of Human Resources, or a department head with the approval of the Commissioner of Human Resources, may enter into agreements with universities, colleges and other educational institutions, organizations and individuals for education or training services for employees under planned training programs. The Commissioner of Human Resources may enter into agreements with other public jurisdictions for joint staffing, participation in programs and use of training facilities.

RULE XVI - GRIEVANCE PROCEDURE

Section 1 - Scope of the Grievance Procedure

The grievance procedure is a mechanism for resolving employee problems concerning a department's administration of the terms and conditions of employment. The grievance procedure is not intended to modify or change existing rules and regulations insofar as they are applied in a manner that is not arbitrary, capricious or discriminatory. Furthermore, the City retains the exclusive right to control and manage the several departments and to direct the work of employees.

This specifically includes, but is not limited to, the right to select, classify and promote employees. Employees in the categories of Probationary Career Service, Career Service, Provisional and Exempt Seasonal may use the grievance procedure as set forth in this Rule.

In order to assure standard implementation of this Rule, the Commissioner of Human Resources is responsible for establishing methods which monitor the use of all sections of this Rule.

Wage rates, salary schedules and fringe benefits are determined by the City Council. These matters, as well as selection and promotion, position classification, discipline and performance evaluation are not subject to this grievance procedure.

Section 2 - Complaint Defined

A complaint is a problem of an individual employee brought to the attention of her or his immediate supervisor orally or in writing.

Section 3 - Grievance Defined

A grievance is a written request for review of a department's administration of written or oral rules and regulations which relate directly to the terms and conditions of employment.

Section 4 - Grievance Review Board

The Grievance Review Board shall consist of three members: the Commissioner of Human Resources, the Budget Director and the Comptroller.

Section 5 - Employee Rights

No eligible employee shall be prohibited or restrained from using this grievance procedure. Individuals who attempt to interfere with an employee's use of this procedure may be subject to disciplinary action.

Beginning at the second step of this procedure (Section 8), the employee has the right to be accompanied by another City employee. Beginning at the third step of this procedure (Section 9), the employee has the right of representation.

Section 6 - Employee Complaint Procedure

1. The grievance procedure is initiated by an employee bringing a problem to the attention of the immediate supervisor orally or in writing. The complaint must be made within ten (10) working days of the occurrence of the problem.
2. The supervisor and the employee are urged to make every effort to resolve the problem.
3. Within five (5) working days of the receipt of the complaint, the supervisor shall orally inform the employee of the decision.

Section 7 - Step One: Filing a Grievance

1. If the employee is dissatisfied with the oral decision, a grievance may be filed with the immediate supervisor.

2. The grievance must be filed on the "Grievance Initiation Form" within ten (10) working days of the oral decision. All questions on this form must be answered, stating as many pertinent specifics as possible.
3. The immediate supervisor shall submit a written report and recommendation to the senior supervisor on the "Grievance Disposition Form" within five (5) working days of receipt of grievance.
4. The senior supervisor or her/his designated representative shall investigate the grievance and the immediate supervisor's report and recommendation. Thereafter, the senior supervisor shall render a decision, in writing, within five (5) working days after receiving the immediate supervisor's report and recommendation. The senior supervisor shall use the "Grievance Disposition Form".

Section 8 - Step Two: Department Head Review

1. If the employee is dissatisfied with the senior supervisor's decision, she or he may request a review of the decision by the department head. The employee must request this review within five (5) working days of the receipt of the senior supervisor's decision. The employee shall use the "Grievance Appeal Form."

The department head or her or his designated representative shall undertake the review using procedures that facilitate timely and fair resolution of the dispute. The department head shall inform the employee in writing of her or his decision within ten (10) working days of the receipt of the employee's request for review.

The department head will, at the time of issuing the written decision, supply the Grievance Review Board with copies of all appropriate material used in the department review. The department head shall also provide a brief, written explanation of the grounds for the disposition of the grievance.

Section 9 - Step Three: Appeal to the Grievance Review Board

1. If the employee is dissatisfied with the department head's review and decision, the employee may make an appeal to the Grievance Review Board within five (5) working days of the receipt of the department head's decision. The employee shall use the "Grievance Appeal Form".
2. The Board shall conduct a hearing of the appeal as soon as practicable. The hearing may be conducted by the Board, Board member(s) or by a Fact Finder designated by the Board. The employee and the department will be given an opportunity to present evidence at the hearing. The hearing will be informal and not bound by strict rules of evidence.

The function of the Fact Finder is to assemble all available facts surrounding the grievance and, thereafter, issue a written report to the Board. The Board shall advise both the employee and the department head of its decision in writing. The decision of the Board is final and binding.

3. If a grieving employee works under the direction of a member of the Grievance Review Board, that Board member shall not participate in the grievance review. The remaining two (2) members of the Board will appoint a third department head to serve on the Board for that grievance.
4. Three (3) months from the date of the Board's decision, the department head shall submit a report to the Board regarding the implementation of the decision.

Section 10 - Discrimination Charges

This grievance procedure may be used by an employee who has a problem involving a discrimination charge. An employee who files a grievance involving discrimination under this Rule XVI may not file a discrimination charge under Rule XVII for such alleged discrimination.

Section 11 - General Provisions

Modification of Time Limits - Each party to a grievance shall respond in such manner that the grievance shall be promptly resolved. However, with the written consent of both parties, the time limits outlined in this Rule may be extended for no longer than a matching period of time.

Failure to Observe Time Limits - Failure of any delegated representative of the City to respond within the time limits shall entitle the employee to carry the grievance to the next higher step in the grievance procedure. Failure of an employee to comply with the time limits outlined in this Rule or as modified shall be deemed to constitute a withdrawal and waiver of her or his claim.

Use of City Time - The employee shall be allowed reasonable working time to file a grievance, a request for review, or an appeal, and to attend related hearings. This use of time shall not interfere with the regular operations of the department.

Definition of Working Days - "Working Days" in this Rule shall mean all days other than Saturday, Sunday, and legal holidays. Saturday, Sunday, and legal holidays shall be excluded in computing the number of days within which action must be taken or notice given within the terms of this Rule.

Withdrawal of Grievance - An employee may request withdrawal of a grievance at any time.

Effective Date and Precedent Setting Value of Grievance Resolutions - Any resolution of a complaint below the level of the Grievance Review Board shall not set a

precedent for the resolution of other grievances. Any resolution of a complaint or grievance by an immediate supervisor or a senior supervisor that would result in the expenditure of funds or additional time off, shall not be effective unless and until approved by the appropriate department head.

Meetings Between the Parties - All parties to a grievance are urged to meet to resolve the problem.

Designation of Senior Supervisor(s) - The department head shall designate one or more senior supervisors for the purpose of investigation and resolution of grievances.

Employees Covered Under Other Grievance Procedures - Any employee covered by a grievance procedure negotiated under collective bargaining processes is not eligible to file a grievance under this Rule.

RULE XVII - COMPLAINTS OF DISCRIMINATION

Section 1 - Rights protected

Any employee or applicant for City employment who believes that he/she has been discriminated against on the basis of race, color, sex, gender identity, age, religion, disability (including, but not limited to, those living with HIV), national origin, ancestry, sexual orientation, marital status, parental status, military service or discharge status or source of income may file a complaint with the City of Chicago - Office of Compliance or his/her department's EEO Liaison.

Any person who believes that they have been subjected to harassment by a City employee on the basis of race, color, sex, gender identity, age, religion, disability (including, but not limited to, those living with HIV), national origin, ancestry, sexual orientation, military service or discharge status may file a complaint with the Office of Compliance or his/her department's EEO Liaison.

Section 2 - Exceptions

Any person making a complaint of discrimination or harassment concerning the Chicago Police Department or the Chicago Fire Department must make that complaint in accordance with the General Orders in effect in both departments.

Section 3 - Making Complaints

Anyone who believes that he/she has been subjected to any action, decision or harassment in violation of this policy, or who witnesses another being subjected to improper conduct may make a complaint or report to the Office of Compliance or his/her department's EEO Liaison.

Supervisors, managers, or human resources personnel who receive complaints or who become aware of any harassment in violation of this policy must notify the Office of Compliance. Supervisors and managers should also encourage individuals who believe that the City of Chicago's Diversity and Equal Employment Opportunity Plan has been violated to consult with a representative of the Office of Compliance.

An individual who believes that this policy has been violated may report the incident orally or in writing. Where the complaint is taken orally, the manager or supervisor receiving the complaint or the Office of Compliance staff member shall document the complaint in writing. The Office of Compliance will assist any individual to determine whether the conduct or decision complained about would violate City policy if found to be true.

Persons who wish to discuss a possible violation of this policy without revealing their identity may do so by telephoning or writing the Office of Compliance. In such cases, the Office of Compliance shall investigate, if warranted, or take such follow-up action as may be appropriate and possible, given the constraints required by anonymity.

If any employee knowingly makes a false accusation of discrimination or knowingly provides false information in the course of an investigation of a complaint, such conduct may be grounds for discipline. A complaint made in good faith, even if found to be unsubstantiated, will not be considered a false accusation.

Section 4 - Time limits

A complaint of unlawful discrimination or harassment must be filed within one year of the event giving rise to the complaint. For harassment complaints, a series of acts, some of which may predate the one-year time limit will be considered so long as the most recent complaint of harassment occurred no more than one year prior to the filing of the complaint and the untimely allegations appear to constitute a pattern of harassment such that all the allegations should be considered together. If the complaint has not been filed within the time limit, the employee will be deemed to have waived his/her complaint.

A complaint of retaliation must be filed within three years of the date of the original complaint of discrimination or harassment giving rise to the alleged retaliation. In the discretion of the Diversity Officer, allegations occurring outside the time limit may be considered if there is clear and convincing evidence of a causal connection between the claimed retaliatory action and the original complaint.

The filing of a complaint of discrimination does not limit, extend, replace, or delay the right of any person to file a similar charge with the Chicago Commission on Human Relations or any state or federal agency having authority to hear matters of discrimination charges.

Section 5 - Privacy

All complaints and investigations will be handled, to the extent possible, in a manner that will protect the confidentiality of those involved. Complaints of discrimination may be discussed with other persons who may have information about the complaint and those who have a legitimate need to know about the facts or resolution of a complaint. Also, in many circumstances, the law requires the City to disclose information provided to the Office of Compliance to other governmental agencies. The Office of Compliance will provide notice to the Office of the Inspector General of all complaints.

Section 6 - Disposition

The Diversity Officer or his/her designee shall direct the investigation of the complaint. The Diversity Officer shall report the results of such investigation to the person who filed the complaint in writing.

The Office of Compliance shall make a final decision regarding the complaint based on a report prepared by the Diversity Officer and his or her staff. The complainant, his/her Department Head, and the department's EEO Liaison will receive written reports of the investigation and final disposition rendered by the Office of Compliance.

The Department Head must either comply with the decisions rendered by the Office of Compliance or within 30 days of receiving the report of the Office of Compliance explain in writing the reasons that he or she has taken another or no action.

RULE XVIIIA - DISABILITY APPEAL PROCEDURE

Section 1 - Appeal Procedure for Employees/Applicants Rejected

Any applicant or employee who is rejected for City employment based on a physical examination, and who believes such rejection is based on a disability which,

- (a) under law, the City is required to reasonably accommodate to allow the person to perform the essential functions of the position in question; or,
- (b) does not exist, or exists, but does not prevent the person from performing the essential functions of the position;

may file a written appeal with the Commissioner of Human Resources within ten (10) days of receipt of written notice of such rejection. If mailed, notice shall be deemed to be received five (5) days after mailing. The written appeal may be delivered to the Department of Human Resources, Room 1100, City Hall, during regular business hours,

or mailed by certified mail, return receipt requested. The appeal must include the name, address, and telephone number of the person rejected, the position and department or agency involved, the circumstances of the rejection and any matters, including any medical evidence, which the person believes supports the appeal. The Commissioner of Human Resources shall cause the appeal to be investigated which may, but need not, include consultations with City or other physicians. The Commissioner of Human Resources may, but need not, direct that the person be re-examined at City expense. The Commissioner of Human Resources shall render a decision in the appeal which shall be binding on the applicant, employee and agency or department head.

Section 2 - Exemptions

This Rule does not apply to sworn positions in the Department of Police or to any position in the Fire Department.

RULE XVIII - DISCIPLINARY ACTIONS AND PROCEDURES FOR CAREER SERVICE EMPLOYEES

Section 1 - Causes for Disciplinary Action

The City of Chicago has an interest in promotion of order and general welfare of all employees, as well as the general public. The City of Chicago, a public employer, requires that its employees perform their duties in a manner which furthers the efficiency and best interests of the City, and which results in the highest level of public trust and confidence in municipal government.

The department head has the authority and responsibility to take disciplinary action against any employee whose conduct does not further the efficiency and best interests of the City of Chicago. The degree of discipline to be meted out is dependent on various factors including, but not limited to, the seriousness of the offense, the employee's work record and the totality of the circumstances. The following conduct, discussed below, when engaged in by an employee, will result in disciplinary action which may include discharge unless the employer, taking all circumstances into account, deems it to be excusable.

As with all the Personnel Rules, it should be noted that if an employee is covered by a Collective Bargaining Agreement, that agreement shall govern in the event of a conflict between any part of this Rule and any such agreement. Employees covered by such agreement can only be discharged for just cause.

TARDINESS/ABSENTEEISM

1. Absence without leave. While a department head may discipline an employee for an absence without leave of any duration, including discharge in appropriate

circumstances, a department head is required to initiate discharge action against an employee who is absent without leave for five (5) consecutive work days.

2. Leaving the department, office or work site without proper authorization.
3. Failing to call in advance when tardy or not showing up for work.
4. Having an irregular or excessive absence or tardiness record or a pattern of repeated absence or tardiness at a specific time or on specific days of the week or month or in relation to holidays.
5. Failure to return to work on time after breaks, lunch or rest periods without prior authorization to extend the time of such breaks, lunch, or rest period.

MISREPRESENTATION

6. Failing to disclose any information requested or providing a false or misleading answer to any question in any application, questionnaire, information form or other document provided by the City.
7. Falsely representing to a superior the quality and/or quantity of work performed by either the employee making the representation or any other employee.
8. Making false, inaccurate or deliberately incomplete statements in an official inquiry, investigation or other official proceeding.
9. Fraud in securing employment.
10. Requesting or accepting a leave of absence on fraudulent grounds.
11. Falsification of any attendance or other employment records.
12. Engaging in a profession, business, trade, investment, occupation or other activity which results in a conflict of interest with present City employment.
13. Use of sick leave in an unauthorized manner for purposes other than allowed under City rules and regulations.

CRIMINAL OR IMPROPER CONDUCT

14. Involvement in the illegal sale, delivery, receipt, possession or use of any controlled substance either on or off the job site during hours of employment or non-working time.
15. Engaging in any act or conduct prohibited by the Municipal Code of the City of Chicago, the Illinois Compiled Statutes, applicable laws of other states, or federal statutes.

16. Possessing, carrying, storing, or using dangerous chemicals or any hazardous substance as defined by the Uniform Hazardous Substances Act of Illinois on the job when not authorized to do so.
17. Misappropriating any funds of the City or any other public or private organization.
18. Gambling or betting during working time or on work premises.
19. Theft or unauthorized possession of City of Chicago or other public property, or use of such property for unauthorized purposes; having other City employees perform services or directing other City employees to perform services for unauthorized purposes or accepting the benefits of such performance.
20. Retaliation against an employee who reasonably and in good faith has filed a grievance, charge or complaint regarding the terms or conditions of employment; and/or against an employee who has properly testified, assisted or participated in any manner in an investigation, proceeding or hearing regarding such grievance, charge or complaint.
21. Using one's official status as a public employee to effectuate the sale, disposal or exchange of property or other object of value belonging to any member of the public through fraud, theft, or misrepresentation or complicity with others in such acts.
22. (Repealed 2/95 and reserved for future amendment; see Rule V and Rule XVIII, Section 1, #42, (a), (b), (c), and (d).
23. Discourteous treatment, including verbal abuse, of any other City employee or member of the public. Provoking or inciting another employee or member of the public to engage in such conduct.
24. Reporting for work under the influence of alcohol or drugs; drinking alcoholic beverages or using drugs not prescribed or in a manner not prescribed by a physician during working hours; possession of alcohol or illegal drugs while on duty.
25. Insubordinate actions, including failure to carry out a rule, order or directive related to the performance of the employee's duty; assaulting, threatening, intimidating or abusing a supervisor either physically or verbally.
26. Restricting production output, encouraging others to do so or supporting others doing so.
27. Giving preferential treatment in the course of employment to any organization or person unless authorized by law.

28. Loss of professional or other license or failing to attain prerequisites necessary to obtain or renew professional or other license when such a license is required to meet the standards of the position.

CONDUCT INVOLVING JOB PERFORMANCE

29. Failing to take action as needed to complete an assignment or perform a task safely.
30. Solicitation of other employees for any purpose, during the working time of the employee soliciting or being solicited, or in areas to which the public has access for the purpose of transacting business relating to City government.
31. Using the office, work site, work locations, work vehicle, work tools or work materials and supplies to conduct a secondary business, trade or occupation.
32. Treating discourteously any member of the public where such person can reasonably believe that the employee is acting within the scope of her or his employment.
33. Interfering with others on the job.
34. Distributing literature in any working area, or area where City business is conducted with members of the public, during the work time of the employee who is distributing or the employee who is receiving the literature, except in the course of performing the duties of the position.
35. Acting negligently or willfully in the course of employment so as to damage public or private property or cause injury to any person.
36. Failing to comply, in carrying out any acts in the scope of employment, with laws or departmental rules governing health, safety, and sanitary conditions.
37. Mismanagement or waste of funds.
38. Inattention to duty including loafing, sleeping on duty, or loitering in the work area.
39. Incompetence or inefficiency in the performance of the duties of the position. This means performance of the duties of the position at a level lower than that ordinarily expected of other employees in similar positions, due either to lack of ability, knowledge or fitness, lack of effort or motivation, carelessness or neglect.
40. Solicitation or acceptance for personal use of any fee or other valuable thing which may be construed as a bribe; that is when such fee, gift, or other valuable thing is solicited by or given to the employee, in hope or expectation of receiving

treatment better than that accorded other persons, or using one's office so as to give the appearance of such impropriety.

VIOLATIONS OF CITY POLICY AND RULES

41. Failure to be an actual resident of the City of Chicago.
42. Discrimination against an employee or applicant because of race, color, religion, sex, disability (including, but not limited to, HIV – status), national origin, ancestry, age over 40, sexual orientation, or gender identity. Discrimination in the performance of job duties against any member of the public because of race, color, religion, sex, disability (including, but not limited to, HIV – status), national origin, ancestry, age over 40, sexual orientation, or gender identity.
 - (a) Sexual harassment, which means any unwelcome sexual advance or request for sexual favors or conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or receipt of City services; or when submission to or rejection of such conduct by an individual is used as the basis of an employment or service decision affecting the individual; or when such conduct has the purpose or effect of substantially interfering with the work performance of an employee or creating an intimidating, hostile or offensive work environment. Conduct which can, in certain circumstances, be considered sexual harassment includes but is not limited to sexually suggestive of offensive remarks, sexually suggestive pictures, sexually suggestive gesturing, verbal harassment or abuse of a sexual nature, subtle or direct propositions for sexual favors, and touching, patting or pinching.
 - (b) Failure of a supervisor, who is having a romantic relationship with any City employee over whom he or she has supervisory authority, to report this fact to his or her supervisor.
 - (c) Failure of a supervisor, who is aware of or reasonably should be aware of sexually harassing conduct by another employee, to report that conduct as required by the City's Policy on Sexual Harassment, whether or not anyone complains about such conduct.
 - (d) Failure to cooperate with and truthfully answer inquiries of the City's Sexual Harassment Officer.
43. Failure to comply with the requirements of secondary employment as delineated in Personnel Rule XX, Section 3.
44. Violation of confidentiality of personnel records of City employees or other municipal records.

45. Any act or conduct in violation of, or failing to perform any duty required by, the Ethics Ordinance, Chapter 2-156 of the Municipal Code of Chicago, as amended.
46. Failure to report misconduct by City employees to the proper City authority.
47. Failure to immediately report to a supervisor any on duty accident or injury which the employee is involved in or observes.
48. Violating any departmental regulations, rules or procedures.
49. Unauthorized entry into City facilities, any part thereof, or unauthorized presence on City property.
50. Conduct unbecoming an officer or public employee.
51. Violating the City's drug and alcohol testing policy. A department head is required to initiate a discharge action against any employee who tests positive for illegal drugs and/or alcohol use; refuses to cooperate with testing procedures; is found to be under the influence of illegal drugs or alcohol while on duty and on the employer's premises; is found in possession of alcohol, drugs or drug paraphernalia; or is found selling or distributing drugs or drug paraphernalia on the employer's premises.
52. Failure to pay an overdue debt owed to the City within thirty (30) days of receiving a demand therefore, unless the employee:
 - (1) has entered into an agreement with the City of Chicago through the appropriate department for the payment of all debts owed to the City and is in compliance with the agreement; or
 - (2) is contesting liability for the amount of the debt in a pending administrative or judicial proceeding; or
 - (3) has filed a petition in bankruptcy and the debts owed the City are dischargeable in bankruptcy.
53. Any act or conduct in violation of, or failing to perform any duty required by, Personnel Rule XXIX - Conflict of Interest.
54. Any act of violence in the workplace or violation of the City's Violence in the Workplace Policy. Violence includes written or verbal communications, whether direct or indirect, which are of a threatening, intimidating or coercive nature; the threat or use of physical force, including fighting or horseplay; stalking; vandalism or destruction of property; and the use or possession of any weapon and/or ammunition, unless the specific weapon and/or ammunition is authorized by the City for a particular work assignment. For the purpose of this paragraph, violence does not include actions taken by security personnel within the scope of their employment, but does include such employees' actions with

respect to co-workers. Specific acts or omissions which are in violation of the Violence in the Workplace Policy include:

- (a) Failure of a manager or supervisor to implement and maintain safe workplace practices, including the Violence in the Workplace Policy, or failure to communicate the Policy to subordinates.
- (b) Failure of an employee, including a manager or supervisor, to report an incident of violence in the workplace or any potentially dangerous situation to his or her supervisor or the departmental Violence in the Workplace Liaison.
- (c) Failure of an employee, including a manager or supervisor, to promptly report an incident of violence to law enforcement authorities when the employee knows or should know that a violation of law may have occurred and the employee is unable to report the incident to the employee's supervisor or departmental Violence in the Workplace Liaison.
- (d) Failure of an employee, including a manager or supervisor, to notify his or her supervisor and departmental Violence in the Workplace Liaison when an Order of Protection has been obtained by or against the employee naming City premises.
- (e) Failure of an employee, including a manager or supervisor, to cooperate with a Violence in the Workplace Liaison or the City's Violence in the Workplace Coordinator in the course of an investigation of workplace violence.
- (f) Failure of an employee, including a manager or supervisor, to assist persons injured as a result of workplace violence, including summoning EMS personnel, staying with the injured person(s) until EMS arrives, and assisting City officials in reaching the emergency contacts of any injured person(s).
- (g) Retaliation against any person for having made a good faith complaint or report of violence in the workplace, or participating in or aiding an investigation of violence in the workplace.

55. Excessive force or other improper use of authority by security personnel.

Section 2 - Progressive Discipline

- (a) The City of Chicago approves of the concept of progressive and corrective discipline for Career Service employees and recommends its use when appropriate. Progressive discipline is a systematic approach to correct unwanted behavior and deter its occurrence by administering disciplinary actions based upon various factors, including, but not limited to, the severity of the infraction,

the number of times it has occurred, and the totality of the circumstances surrounding the misconduct. The City of Chicago uses progressive discipline at its discretion and does not solely rely on this concept in every instance when taking disciplinary action.

While it is not possible to list every act which will or might result in disciplinary action, actions itemized in Section 1 reflect conduct which is deemed to be inappropriate and which may result in disciplinary action. This list is not exhaustive, but is offered instead to generally provide notice of inappropriate conduct. Supervisors may deem that conduct other than that itemized above is improper and warrants discipline. Further, the department head, or her/his designee, has the discretion to determine what degree of discipline is appropriate after weighing all the situational factors involved in the misconduct.

- (b) **TYPES OF DISCIPLINARY ACTION** - The types of disciplinary action which may be imposed include the following:

Reprimand, which is a censure expressing formal disapproval of the actions of an employee, but carrying no loss of privileges. A reprimand may be oral or in writing, but in either case is made part of the employee's record.

Suspension, which is the temporary removal from employment, accompanied by a concurrent and temporary loss of the privileges of employment, including, but not limited to, salary or wages. The department head has authority to suspend an employee for thirty (30) days or less.

Demotion, which is the reduction of the grade or class of employment and corresponding permanent reduction in salary or wages.

Discharge, which is the act of dismissal from employment and the permanent loss of all privileges of employment. Discharge includes the withdrawal of any right to reinstatement from layoff or leave of absence.

Section 3 - Notification - Suspensions of Thirty (30) Days or Less

Whenever a disciplinary action is to be taken against a Career Service employee, except where the disciplinary action is an oral reprimand, the employee shall be notified in writing and on a timely basis, of such action. The notification shall include a description of and cause for the disciplinary action. As appropriate, the Career Service employee shall further be advised as follows:

- (a) If the disciplinary action is a suspension of not more than ten (10) days, the employee has the right to request a department review of the actions. Such request must be submitted in writing to the department head within five (5) working days of the notification of the disciplinary action.
- (b) If the disciplinary action is a suspension of more than ten (10) days and less than thirty-one (31) days, or a second suspension within a six-month period, the

employee has the right to request the Human Resources Board for a hearing to review such action. Such request must be submitted to the Human Resources Board in writing within five (5) working days of notification of the disciplinary action.

The written notice may be personally served or mailed to the employee.

Section 4 - Reviews and Hearings for Career Service Employees

- (a) Departmental Review of Suspensions of Ten (10) Days or Less - The procedure for review of suspensions of ten (10) days or less is determined by the department head, subject to the approval of the Commissioner of Human Resources. This procedure should include, but is not limited to, adequate notice of the time and place of review, an opportunity for the employee to be heard and the right to ask questions. The department head may designate a review officer or a review panel on a case by case basis to review such disciplinary actions.
- (b) Hearings Before the Human Resources Board - Any Career Service employee who is suspended for more than ten (10) days but less than thirty-one (31) days, or who is suspended within a six (6) month period after a previous suspension, may request a review of any such suspension by the Human Resources Board. In all disciplinary actions under the control of the Human Resources Board, hearings shall be conducted by a member or members of the Human Resources Board or by a hearing officer appointed by the Board.
 - (1) Representation - An employee may appear on her or his own behalf, or be represented by an attorney at law licensed to practice in the State of Illinois. The employee shall have the right to know the charges, to present testimony on her or his own behalf and to cross examine other witnesses.
 - (2) Approval, Disapproval or Modification of Disciplinary Action - The Board may approve or disapprove the disciplinary action sought by the employee's department head, or may increase or reduce the severity of the disciplinary action as the facts warrant.
 - (3) Human Resources Board Decisions Final - All findings and recommendations made by the Board member(s) or by a hearing officer shall be certified to the full Human Resources Board. The decision of the Board shall be final as to approving, disapproving, or modifying the decision of the Board member(s) or hearing officer. Also, it shall have the authority to call for an additional hearing before the full Board. Should it require an additional or new hearing, the Board shall afford to the employee all of the protections available at the initial hearing.
 - (4) Certification of Findings and Enforcement - After the Human Resources Board makes its final decision on charges or requests for review, it shall certify the decision to the Commissioner of Human Resources who shall notify the appropriate department head.

Section 5 - Disciplinary Procedure - Discharge, Demotion or Suspension Over Thirty (30) Days

A Career Service employee may be discharged, demoted or suspended for a period exceeding thirty (30) days by the department head or designee subject to appeal to the Human Resources Board upon request of the employee in accordance with procedures prescribed by the Human Resources Board. Such procedures shall provide for statement of the charges upon which discipline is based together with an explanation of the evidence supporting the charges and an opportunity for the employee to respond to the charges in writing before action is taken. The charges and explanation of evidence need not be in any particular form, but must be sufficient to apprise the employee of the matters on which discipline may be based. The employee's response must be reviewed by the department head or designee responsible for making the decision, provided that such designee may not be the person who initiated the charges against the employee. No permanent employee in the Career Service may be discharged, demoted or suspended for more than thirty (30) days unless the statement of charges and any matters in support are first reviewed by the Departments of Law and Human Resources, before the employee is notified of such action.

Section 6 - Powers and Duties of Department Heads

Department heads shall expressly have the right to discipline a Career Service subordinate for cause subject to the review processes described above. The department head may delegate to subordinates the authority to discipline employees.

RULE XVIII A - DISCIPLINARY ACTIONS FOR NON-CAREER SERVICE EMPLOYEE

Non-Career Service employees are employed "at will". They may be disciplined or discharged at any time for any reason or no reason and have no expectation of continued employment. Likewise, they may resign at any time for any reason. Therefore, while the work rules applicable to Career Service employees set forth in Section I of Rule XVIII may be utilized as guidelines by supervisors in dealing with non-Career Service employees, and will be useful to such employees in conforming their conduct to City requirements, discipline is not limited to the reasons stated therein, nor are the hearing and progressive discipline procedures applicable. Department heads shall expressly have the right to discipline or otherwise take action concerning a non-Career Service subordinate. The department head may delegate to subordinates the authority to discipline non-Career Service employees.

RULE XIX - DRUG AND ALCOHOL TESTING POLICY

The City of Chicago has an obligation to maintain a safe, healthy and productive work environment for its employees. An employee under the influence of drugs or alcohol on the job can be a serious safety risk to himself or herself, to other employees, and in certain instances, to the general public. Abuse of drugs or alcohol also has a negative impact on the productivity and health of City employees. In order to maintain a safe and healthy work environment the City of Chicago has established the following drug and alcohol testing policy.

1. Drug and Alcohol Testing

The City may require testing of an employee for whom there is a reasonable suspicion that the employee has used drugs or alcohol or is under the influence of drugs or alcohol while at work, on City property or on City business.

The City may require testing of any employee involved in an accident which results in significant injury requiring medical attention or significant property damage while at work, on City property or on City business.

The City may require testing of any employee involved in a fight while at work, on City property or on City business.

2. Definitions

"Under the influence" - Any mental, emotional, sensory or physical impairment due to the use of drugs or alcohol.

"Illegal drug" - Any drug that is not legally obtainable; that is being used in a manner or for a purpose other than prescribed.

"Reasonable suspicion" means a belief that an employee may be under the influence of drugs or alcohol. Such belief must be based on some objective indicia, which may include, but is not limited to, the following matters: erratic or unusual behavior by an employee, including, but not limited to, noticeable imbalance, incoherence and disorientation, which would lead a person of ordinary sensibilities to conclude that the employee is under the influence of drugs and/or alcohol; observation of possible ingestion of alcohol or use of drugs; and involvement in an accident, fight or other circumstances which could lead a reasonable person to believe that the use of drugs or alcohol may have been involved.

3. Disciplinary Action

Any employee who tests positive for drugs and/or alcohol use and refuses to cooperate with testing procedures will be terminated for a first offense.

4. Employee Assistance Program

The City has established an Employee Assistance Program (EAP) which provides help to employees experiencing personal difficulties. The City encourages anyone with a drug or alcohol problem to utilize the EAP. Use of the EAP is voluntary and confidential. It is the responsibility of all employees to seek assistance from the EAP before alcohol abuse or drug use leads to disciplinary action.

An employee's decision to utilize the EAP will not be used as the basis for disciplinary action. However, participation in an EAP program will not preclude discipline, nor will it be a defense to disciplinary action where the information leading to the adverse employment action was gathered from sources other than EAP. Under no circumstances will enrollment in an EAP program after disciplinary action has been initiated be deemed a defense to such action. Further, the City is under no obligation to offer participation in an EAP program prior to, or in lieu of, imposition of discipline.

RULE XX - EMPLOYEE RELATIONS

Section 1 - Scope of Employee Relations Program

The program of employee relations to be maintained and conducted within the City Service shall be designed to:

- (a) Provide lines and means of communication between employees and management for facilitating the submission and discussion of suggestions on matters of personnel policy or procedures.
- (b) Provide the means for encouraging the submission of employee suggestions as well as evaluating and rewarding employees for improving efficiency or promoting economy in the conduct of City activities.
- (c) Recognize outstanding service to the City by its employees through certificates, citations and special awards.
- (d) Provide for the promotion of activities concerned with the health, welfare, recreation, counseling and safety of employees.

Section 2 - Responsibility for Employee Relations Programs

The Commissioner of Human Resources shall be responsible for:

- (a) designing all elements of the program of employee relations,

- (b) distributing information, encouraging departmental participation, and furnishing technical advice and assistance to the departments for their employee relations activities,
- (c) administering employee relations activities that are City-wide in character, and
- (d) evaluating employee relations activities to assure that intended benefits are attained.

The department heads shall be responsible for the specific design and conduct of employee relations activities within their respective departments.

Section 3 - Outside Employment

- (a) Criteria - Outside employment is any paid employment performed by an employee in addition to his or her employment with the City. The following criteria will apply to outside employment:
 - (1) Such employment shall not interfere with the efficient performance of the employee's duties.
 - (2) Such employment shall not involve a conflict of interest.
 - (3) Such employment shall not occur during the employee's regular or assigned working hours.
 - (4) No employee granted permission to engage in outside employment shall work at said outside employment for a longer period of time than stated in his or her request for permission to engage in such employment.
 - (5) Any employee accepting outside employment shall make arrangements with the outside employer to be relieved from his or her outside duties if and when called for emergency service by the City.
 - (6) For employees who are on sick leave, medical leave, FMLA leave or duty disability leave due to their own illness or injury, approval to work outside employment will be suspended for the period of the leave. Employees who have been approved for FMLA intermittent leave will not be allowed to work outside employment on any calendar day when the intermittent leave is taken. A department head may grant an exception to this subsection 3(a)(6), following receipt of a written request by an affected employee, where the employee has demonstrated that the nature of the outside employment is not inconsistent with the reason for the leave, and that application of this subsection would result in an undue hardship to the employee.

- (b) Procedure - Any employee desiring to perform outside employment shall first file a request in writing with her or his department head for permission to engage in outside employment. The request shall state the type of employment and the hours of work, the name of the prospective employer, and the place where the employee is to be employed. The department head may either approve or disapprove the request.

The department head shall maintain records of such outside employment which shall be available for and subject to audit by the Commissioner of Human Resources.

RULE XXI - PERSONNEL ADMINISTRATION - RELATIONSHIP TO CITY DEPARTMENTS

Section 1 - Responsibility of Heads of Departments for Personnel Administration

The principal responsibilities of each department head for personnel administration include:

- (a) The designation of key employee(s) to be responsible for assisting the department head in managing the personnel matters of the department including employee grievances, review of disciplinary actions, equal employment opportunity and employee training.
- (b) The development and administration of departmental work rules.
- (c) The initiation of personnel actions for employees related to employment, salary adjustments, promotions, discipline and related personnel transactions.
- (d) The assignment and supervision of work of employees.
- (e) The evaluation of the performance of employees.
- (f) The development and implementation of training programs and other programs to improve work effectiveness.
- (g) Cooperation with the Department of Human Resources in connection with such matters as job analyses; recruitment; job-related selection procedures, including Career Service examinations; and other technical matters.
- (h) The maintenance of departmental personnel records.

Section 2 - Departmental Personnel Committee

The Commissioner of Human Resources shall establish one or more departmental personnel committees, consisting of departmental personnel officers and other employees with experience and proven ability, designated by their respective department heads to cooperate with and advise the Commissioner of Human Resources on the application and improvement of any of the elements of the system of personnel administration.

RULE XXII - PERSONNEL RECORDS

Section 1 - Personnel Information Systems

The Commissioner of Human Resources shall establish and maintain a system of personnel records and reports covering all City employees, which shall satisfy the requirements of and be integrated with all elements of the system of personnel administration and with processing of payrolls. Such system of personnel records and reports shall be as fully automated as is economical and practicable. It shall require the participation of the City departments and agencies as they are involved in the preparation and processing of personnel records, reports and payrolls.

The system of personnel records and reports shall comprise a comprehensive personnel information system, which shall include, but not be limited to, the following:

- (a) A master employee record for each employee, containing personnel actions affecting the employee.
- (b) A record of the status of all occupied positions in the City service.
- (c) Employment lists and certifications.
- (d) A system of personnel action reports and records to cover appointments, promotions, separations and other personnel actions.
- (e) Examination records.
- (f) Employee performance review records.
- (g) Employee leave of absence records.
- (h) Employee files for use within a department and to be transmitted when an employee transfers to another department.
- (i) Payroll-related records maintained by the departments, such as time and attendance records, sick leave records, and vacation leave records.

Section 2 - Confidential Nature of Personnel Records

All personnel records of City employees and records and material relating to the administration of the personnel management system shall be considered confidential and the property of the City. Employee information as to name, class title, and grade level shall be public information, and available in accordance with such procedures as the Commissioner of Human Resources prescribes. Employee information shall be available for inspection by the employee involved at reasonable times and in accordance with such procedures as the Commissioner of Human Resources prescribes. Employee information and related personnel records and reports shall be made available for official purposes at the discretion of, and in accordance with, procedures prescribed by the Commissioner of Human Resources.

Information obtained concerning the medical condition or history of any employee or applicant shall be collected and maintained on separate forms and in separate medical files and be treated as a confidential medical record, except that supervisors and managers may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations; first aid and safety personnel may be informed when appropriate if a disability might require emergency treatment; and governmental officials investigating compliance with the Americans With Disabilities Act of 1990 shall be provided relevant information. Nothing herein shall prohibit the use and/or disclosure of such information by the City consistent with law, nor shall anything herein be deemed to authorize or require an unwarranted invasion of privacy of any applicant or employee.

RULE XXIII - CERTIFICATION OF PAYROLLS

Section 1 - Payroll Changes

A personnel action report must be approved by the Commissioner of Human Resources on an approved form before the related payroll change may take effect.

Section 2 - Review and Certification of Payrolls

Payrolls for services rendered covering compensation for any employee in the City Service shall be forwarded to the Commissioner of Human Resources by department heads or other appropriate officers for certification to the Comptroller or other auditing officer as to the legality of employment and right of any officer or employee to compensation in accordance with the provisions of Chapter 2-74 of the Municipal Code and the Personnel Rules.

The Commissioner of Human Resources shall remove the names of persons from a payroll when such certification cannot be made, and notify the Comptroller and department head involved.

After the Commissioner of Human Resources has examined a given payroll, and has determined that all employees remaining on the payroll have been appointed in

accordance with the provisions of the Municipal Code and the Personnel Rules, she or he shall certify the payroll and return it to the Comptroller or other auditing officer for processing.

RULES XXIV AND XXV

NOTE: Rule XXIV (Election Rules) and Rule XXV (Probationary Period - Departmental Employment Service) are no longer applicable.

RULE XXVI - RECLASSIFICATION OF EMPLOYEES

Section 1 - Correction of Classification

The purpose of the position classification system is to ensure that positions are allocated to class titles that adequately describe the duties and responsibilities that are actually performed. The classification system cannot be used as a method of providing salary increases or promotions, nor may it be used as or in lieu of disciplinary action provided in Rule XVIII.

A department may request a reclassification of a position or class of positions; however, no position listed as a Shakman Exempt position pursuant to the City's Hiring Plan may be reclassified without prior notice to the Corporation Counsel's Office and the Office of Compliance.

The Commissioner of Human Resources shall, upon the request of a department head, or upon his or her own initiative, analyze the duties of a class of positions in a department and the duties actually performed by any incumbent in such class of positions by conducting a desk audit or otherwise analyzing whether the duties performed by any incumbent in such class of positions are consistent with the class.

If, after a desk audit or other analysis, the Commissioner of Human Resources finds that any position with Career Service status is improperly classified in that the person in such class of positions is not performing a sufficient portion of the job duties of the class, the Commissioner of Human Resources shall cause the position to be reclassified from its current class title to a new class title. If the new class title is in the Career Service, the person shall have Career Service status.

If the new position is at a higher class grade or title than the previous position, the Office of Compliance must approve the reclassification prior to an employee's appointment to the new grade or position.

For an employee currently performing the duties of the new position to be appointed to the new position, the employee must meet the minimum qualifications of the new position.

A reclassification under this rule shall be deemed to be an appointment. An appointment to the new class title is effective the date of the reclassification. No person reclassified under this Rule shall receive credit for service rendered in the previous position while in the new class title, except for the purpose of determining salary as required in the Regulations Governing the Administration of the Compensation Plan and Employee Benefits for Classified Positions set forth in the Annual Appropriation Ordinance (Classification and Pay Plan, Schedule A). An employee reclassified under this Rule who previously held and accrued Career Service seniority in the new class title shall receive credit for such seniority so long as the employee is entitled to continuous service credit for such previous service. Reclassification as provided for in this section shall have priority over appointments from employment lists as provided in Rule VII.

A Career Service employee whose position has been reclassified shall be entitled to the notice and review procedures detailed in sections 2-14 of this Rule, if as a result of the reclassification, the terms and conditions of his or her employment were altered.

Section 2 - Notice to Employee

Not less than fifteen (15) calendar days before such a reclassification becomes effective, the Commissioner of Human Resources shall cause a notice to be delivered to the employee. Such notice shall include a description of the reasons on which the Commissioner of Human Resources based the reclassification decision, the effective date of reclassification, a statement that the employee may request a review of the reclassification as provided for herein and a copy of this Rule.

Section 3 - Request for Review of Reclassification

An employee who desires a review of the reclassification must file a written request with the office of the Commissioner of Human Resources within five (5) calendar days of receipt of the notice of reclassification, during normal business hours and on normal business days. Extensions of time for filing shall not be granted. Such written request shall be accompanied by a written statement of any reasons why the reclassification is not warranted. Upon receipt of such request, the Commissioner of Human Resources shall designate a review officer who shall review the reasons for reclassification and the employee's statement, as set forth in Section 5, below. The designated review officer shall render a decision concerning the review prior to the effective date of reclassification; if such decision is not rendered by the effective date, such effective date shall be postponed pending the decision. A copy of such decision shall be sent to the employee, the concerned department head and the Classification Division of the Department of Human Resources.

Section 4 - Appeal to Commissioner of Human Resources

Any employee reclassified hereunder, or a department employing a person whose reclassification was reviewed by a designated review officer, dissatisfied with the decision of the designated review officer, may appeal such decision to the Commissioner of Human Resources. The decision of the designated review officer shall not be stayed pending this appeal. Such appeal shall be initiated by filing a written request for appeal as described in Section 6, below, with the office of the Commissioner of Human Resources within ten (10) calendar days after the decision of the designated review officer. Such request shall be filed during normal business hours and on normal business days. Extensions of time for filing shall not be granted.

Upon receipt of such request and the submissions described in Sections 7 and 8, below, the Commissioner of Human Resources shall set a time and date for hearing such appeal, to be commenced within one hundred twenty (120) calendar days of receipt of such request. Such hearing shall be recorded by means of a tape recorder or other reliable method and shall be conducted by the Commissioner of Human Resources or a hearing officer designated by the Commissioner of Human Resources. At said hearing, the employee and employing department shall have the right to present testimony and cross examine witnesses in the manner designated in Sections 9, 10, 11 and 12, below. Following the hearing, the Commissioner of Human Resources shall render a final decision on the reclassification or, if the hearing was conducted by a hearing officer, shall review the summary and recommendation of the hearing officer and shall render a final decision on the reclassification. Said final decision may reverse, affirm or modify the decision of the designated review officer. The Commissioner of Human Resources shall apprise the parties of said final decision. Such decision shall not be further appealed under this Rule.

Section 5

Upon receipt of a request for review, a copy of the request will be forwarded to the designated review officer. The review officer will conduct a review of all relevant documents and may, if necessary, contact the Classification Division, the employing department and/or the employee to obtain clarification on any of the information presented.

Section 6

Any employee reclassified hereunder, or a department employing a person whose reclassification was reviewed, who seeks to appeal the decision of the review officer shall, within ten (10) calendar days after the decision of said officer, file a written notice of appeal with the office of the Commissioner of Human Resources. A copy of the notice of appeal shall be served upon the opposing party. Such notice should state the name of the employee, his/her department and a description of the disputed reclassification issue(s).

Section 7

Within fourteen (14) days of filing a notice of appeal, the party seeking an appeal shall file a submission with the office of the Commissioner of Human Resources setting forth the facts and reasons for the appeal. A copy shall be served on the opposing party. In such submission, there shall be a clear and brief recitation of all relevant facts, arguments, and documentary evidence, attached as exhibits, which the party seeks to rely on. The party seeking appeal shall point out, with particularity, any disagreement with or claimed error in the findings of the review officer. The submission may contain, but is not limited to, the documents presented to the review officer. The party seeking the appeal shall also indicate the name of any witness who may be called to testify at the hearing and shall further describe the material and substantive facts to which the witness will testify. The submission must contain the name(s) of any person(s) designated to appear on behalf of such party at the hearing, if any.

Section 8

Within fourteen (14) days of receipt of the submission of the party seeking the appeal, the opposing party shall file a submission with the office of the Commissioner of Human Resources, setting forth the facts and reasons for the reclassification. A copy shall be served on the party seeking appeal. In such submission, there shall be a clear and brief recitation of all relevant facts, arguments and documentary evidence, attached as exhibits, which the party seeks to rely on. The submission may contain, but is not limited to, the documents presented to the review officer. The opposing party shall also list the name of any witness who may be called to testify at the hearing, and shall further describe the material and substantive facts to which the witness will testify. The submission must contain the name(s) of any person(s) designated to appear on behalf of such party at the hearing, if any.

Section 9

No discovery shall be requested by, or granted to, any party. The submissions of the parties, together with the findings of the review officer, shall frame the issues to be addressed at the hearing. Matters not related to the propriety of the reclassification and/or decision of the review officer shall not be addressed at the hearing. Matters not raised by a party in such party's submission may not be raised in the hearing. The Commissioner of Human Resources or hearing officer may limit the issues treated and matters presented at the hearing based on a review of the submissions of the parties and the relevancy of the issues presented to the reclassification issues.

Section 10

Within seven (7) days of receipt by the office of the Commissioner of Human Resources of the submissions of the parties, notification will be served by the office of the Commissioner of Human Resources of a time and date for hearing of said appeal, which hearing shall be held for the purpose of presenting argument and/or accepting

evidence on issues of fact. Said hearing shall be commenced within one hundred twenty (120) calendar days of receipt of the request for appeal. By agreement of the parties and Commissioner of Human Resources, the hearing may be waived.

Section 11

At the hearing, the department employing a person whose reclassification was reviewed shall proceed first. The Commissioner of Human Resources or hearing officer shall preside over and regulate the hearing, rule on any matter of procedure, and fully develop the record. The Commissioner of Human Resources or hearing officer shall have full power and responsibility to conduct the hearing in an orderly and efficient manner, which shall include controlling and limiting the questions which a party seeks to ask of another party and/or witness, to questions which seek to elicit evidence which is relevant and material to the reclassification issue. Rules of evidence and formal objections are inapplicable during the course of said hearing and the Commissioner of Human Resources or hearing officer should admit such matters into the record as are relevant and would be relied upon by a reasonable person in the conduct of her or his affairs, which is reasonably reliable and reasonably necessary to the resolution of the matter for which it is offered. The Commissioner of Human Resources or hearing officer shall exclude repetitive evidence. If a dispute arises regarding the propriety of any matter introduced by a party during the course of the hearing, the Commissioner of Human Resources or hearing officer shall use her/his discretion in determining whether such matters are applicable to the proceedings.

Section 12

Parties may appear at the hearing on behalf of themselves, or may bring a representative to assist them, subject to the proviso that an employee shall not designate any employee of the City of Chicago who is employed in a supervisory capacity by the City as her/his representative.

Section 13

Continuances shall not be granted to a party except for good cause. Once a hearing has commenced, a continuance may be granted by the Commissioner of Human Resources or hearing officer at her/his discretion.

Section 14

At close of all evidence, if the hearing was conducted by a hearing officer, the hearing officer shall review the record and prepare a written summary and recommendation regarding the reclassification issue.

RULE XXVII

NOTE: Rule XXVII (Attendance) is no longer applicable by action of the City Council.

RULE XXVIII - SICK LEAVE

Section 1 - Legitimate Use of Sick Leave

It is the policy of the City of Chicago that sick leave is an employee benefit to be used only for a legitimate illness or injury of an employee, or a legitimate illness or injury of a member of an employee's immediate family which necessitates the employee's absence from work. Sick leave may also be used for an employee's medical appointments or the medical appointments of an immediate family member.

Section 2 - Family Illness

Abuse of sick leave shall be defined as sick leave taken for any purpose other than an employee's personal illness or illness of an immediate family member that necessitates the employee's absence. An immediate family member includes the employee's (i) mother, father, husband, wife, brother or sister (including blood, step or half), son or daughter (including blood, step or adopted), father-in-law, mother-in-law, daughter-in-law, son-in-law, grandparents or grandchildren; or (ii) domestic partner or the domestic partner's mother, father, son or daughter (including blood, half, step or adopted), provided that the employee's domestic partner is registered with the Department of Human Resources.

Section 3 - Definition of Illness

The terms "illness" or "injury" encompass any sickness, illness or injury that unduly restricts or renders the employee incapable of performing her/his normal duties.

An illness or injury of a member of the employee's immediate family is one where the employee is required to attend or provide needed care for a member of the immediate family who is in fact ill or incapacitated.

Section 4 - Reasonable Evidence

The employee has the burden of establishing that an illness related absence was legitimate. Failure to provide such reasonable evidence as may be required by department supervisory personnel may result in the denial of sick leave benefits or revocation of benefits granted. The determination as to appropriateness of the sick leave will be made by the employee's supervisor. In addition to denial of sick leave benefits, where the circumstances indicate that the employee is abusing sick leave, disciplinary

measures (suspension, termination, etc.) may be taken. Disciplinary action may also be taken when there is excessive absenteeism.

What constitutes reasonable evidence will depend upon the facts and circumstances in each individual case and may include one or more of the following: (a) doctor's note or certification, (b) medical release, (c) employer directed physical examination, (d) telephoning the employee at home to verify her/his being there, (e) employee's personal statement or employee's sick leave certification, or (f) questioning the employee.

Section 5 - Patterns of Abuse

The following patterns of sick leave use may be considered as indicators of sick leave abuse: day(s)

- (a) at the beginning or end of the work week,
- (b) before or after vacation,
- (c) after payday,
- (d) before or after military or jury duty,
- (e) before or after a designated holiday, or
- (f) any other pattern such as every Wednesday or once a month.

Such patterns may be investigated by department supervisory personnel, and corrective action taken where warranted.

Section 6 - Confidentiality

The City is mindful that medical records and other medical information often contain intimate details of a highly personal nature. The confidentiality of any information provided by employees pursuant to this rule will be scrupulously guarded. Only designated department supervisors are authorized to receive or have access to employee medical information. Any unauthorized disclosure of employee medical information may subject the individual(s) who disclosed the information to disciplinary action.

Section 7 - Procedures

The following procedures shall be followed by all City personnel when the employee's absence is or will be due to the illness or injury of the employee or a member of the employee's immediate family or due to an employee's medical appointment or the medical appointment of a member of the employee's immediate family.

- (a) Notification - The employee shall notify her/his supervisor of the absence and the reason therefore in the time period specified by the employee's department or as soon as is reasonably possible. In emergency situations, this notification may be made on behalf of the employee by any responsible person. The notification shall be made in person or by telephone.

When someone other than the employee is or has been requested to make the required notification, the employee will be solely responsible for the notification being made. If an employee becomes sick or ill during his/her work shift, the employee must notify or cause notification to be made to the appropriate supervisor.

In the event sick leave notification is not made within the time period required by the employee's department, the absence shall be without pay, unless the employee can later substantiate and document that it was impossible to make or cause such notification.

Sick leave notification must be made for each workday that paid sick leave is being requested. An employee with a disabling condition and/or one who is hospitalized may satisfy the notification requirement with a physician's written statement of the nature of the employee's condition, the reason why this condition prohibits work and the expected duration of absence. Such statement may suffice for up to a month. Thereafter, additional statement(s) may be submitted on a monthly basis, or more frequently if the department head requires.

(b) Absences of Three (3) or More Consecutive Work Days

(1) If an employee is absent from work for three (3) or more consecutive work days and the employee received professional medical attention, the employee must submit a doctor's note or certification upon the employee's return to work. The doctor's note or certification will be submitted to the employee's supervisor. A form prescribed by the Commissioner of Human Resources will be utilized for submission of the certification.

(2) If an employee is absent from work for three (3) or more consecutive work days and the employee did not receive professional medical attention, the employee must submit a personal certification upon the employee's return to work. The personal certification will be submitted to the employee's supervisor. A form prescribed by the Commissioner of Human Resources will be utilized for submission of the certification.

(c) Absences of Less Than Three (3) Consecutive Work Days - Where a supervisor has sufficient reason to believe that an employee's absence from work for less than three (3) days is not due to illness, although claimed to be so by the employee, the employee must submit a certification or any other such reasonable evidence as may be necessary to provide sufficient and legitimate justification for the employee's absence. The certification or other evidence will be submitted to the employee's supervisor upon request and in the form requested.

(d) Absences Due to The Illness or Injury of Immediate Family Member - If an employee is absent from work due to the illness or injury of a member of the employee's immediate family, the employee must submit a personal certification upon the employee's return to work. The personal certification will be submitted to the employee's supervisor on a form prescribed by the Commissioner of Human Resources.

- (e) Absences Due to Medical Appointments - If an employee is absent from work due to a medical appointment or the medical appointment of an immediate family member, the employee must submit a certification of the appointment upon the employee's return to work. The certification of appointment will be submitted to the employee's supervisor on a form prescribed by the Commissioner of Human Resources.
- (f) Medical Releases - If an employee is absent from work due to illness or injury or due to a medical appointment and the employee received professional medical attention and a review of the pertinent medical records is deemed necessary, the employee must provide a Medical Authorization/Release for release of medical records upon request. The Medical Authorization/Release should be submitted to the employee's supervisor on a form prescribed by the Commissioner of Human Resources.
- (g) Employer Directed Medical Examinations - If an employee is or seeks to be absent from work due to an illness or injury, the department head or his/her designee may direct the employee to submit to a medical examination in any of the following instances: a) to verify the employee's medical condition, b) to verify the medical diagnosis of the employee's personal physician, c) to verify the employee's ability to return to work; and/or d) in cases where the department head or his/her designee believes that questionable circumstances exist.

As a result of such physician's statements and examinations, the City may approve or deny the employee's sick leave requests and may establish limits and conditions for any further approved sick leave connected with the employee's illness or injury.

Whenever an employee is directed to submit to a department directed medical examination, the employee must provide a Medical Authorization/Release for release of medical records upon request. The Medical Authorization/Release should be submitted to the employee's supervisor on a form prescribed by the Commissioner of Human Resources.

- (h) Return to Work Certification - If an employee is absent from work due to an illness or injury, the City may require that a physician certify the employee's ability to return to work as a condition precedent to the employee's actual return to work based on recovery from the illness or injury. However, the department head or his/her designee may require a complete physical examination for good cause shown. The physician's certification of an employee's ability to return to work must be submitted directly to the designated City official(s) by the certifying physician on a form prescribed by the Commissioner of Human Resources.

This certification must be provided for any employee who is sick or disabled for ten (10) or more consecutive work days and must be submitted to the department head or other appropriate supervisor before the employee will be permitted to return to work.

The City may also require, at its discretion, that an employee submit to a department directed medical examination in conjunction with the certification received from the employee's physician.

Nothing in this section affects the City's right to otherwise independently review the employee's medical situation.

Section 8 - Application

This rule is applicable to all City employees. Failure to follow its provisions may result in the denial of requested sick leave benefits, and/or other disciplinary action, up to and including termination.

ADDENDUM/RULE 28

The terms "illness" or "injury" as defined herein do not include fatigue due to working overtime or a lack of sleep; or sickness or injury due to intoxication or the employee's own willful, illegal action.

The following are examples of illnesses and/or injuries that are not covered under this policy:

- (a) hangovers but not illnesses or injuries resulting from the long term effects of alcohol abuse;
- (b) lack of sleep unrelated to a covered illness or injury;
- (c) fatigue due to working overtime;
- (d) fatigue due to activities unrelated to a covered illness or injury;
- (e) intentionally self inflicted injuries;
- (f) injuries that result from and/or occur while the employee is engaged in a violation of City, state or federal criminal ordinances and/or laws and/or statutes;
- (g) injuries that result from and/or occur while the employee is engaged in a violation of City of Chicago Personnel Rules and Procedures;
- (h) injuries resulting from use of illegal drugs but not illnesses or injuries that result from the long term effects of drug abuse.

These examples of illnesses and/or injuries not covered under this policy are illustrative and are not to be considered exhaustive.

This policy is designed to cover only legitimate illnesses and injuries. It is not the policy of this City to reward malingering and/or other improper conduct by providing

sick leave benefits to the employees that abuse the sick leave privileges. Therefore, mental and physical conditions that are the result of the employee's own wrongful conduct; and/or, are designed to abuse the sick leave privileges are not legitimate illnesses or injuries, as defined in this policy, and do not entitle such employees to utilize sick leave benefits.

RULE XXIX - CONFLICT OF INTEREST

Section 1 - Definitions

Whenever used in this Rule, the following terms shall have the meanings provided below:

- (a) City Contractor means any person (including his/her agents or employees acting within the scope of their employment) who is paid from the city treasury or pursuant to City ordinance, for services to any City agency, regardless of the nature of the relationship of such individual to the City for purposes other than Chapter 2-156 (Governmental Ethics) of the Municipal Code of Chicago.
- (b) Doing Business means any one or any combination of sales, purchases, leases or contracts to, from or with the City or any City agency in an amount in excess of \$10,000.00 in any 12 consecutive months.
- (c) Financial Interest means
 - (1) any interest as a result of which the owner currently receives or is entitled to receive in the future more than \$2,500.00 per year;
 - (2) any interest with a cost or present value of \$5,000.00 or more; or
 - (3) any interest representing more than 10 percent of a corporation, partnership, sole proprietorship, firm, enterprise, franchise, organization, holding company, joint stock company, receivership, trust, or any legal entity organized for profit; provided, however, financial interest shall not include:
 - any interest of the spouse or domestic partner of an official or employee which interest is related to the spouse or domestic partner's independent occupation, profession or employment;
 - any ownership through purchase at fair market value or inheritance of less than one percent of the shares of a corporation, or any corporate subsidiary, parent or affiliate thereof, regardless of the value of or dividends on such shares, if such shares are registered on a securities exchange pursuant to the Securities Exchange Act of 1934, as amended;

- the authorized compensation paid to an official or employee for his office or employment;
 - any economic benefit provided equally to all residents of the City;
 - a time or demand deposit in a financial institution;
 - an endowment or insurance policy or annuity contract purchased from an insurance company.
- (d) Employee means an individual employed by the City of Chicago, whether part-time or full-time, but excludes elected officials and City contractors.
- (e) Person means any individual, entity, corporation, partnership, firm association, union, trust, estate, as well as any parent or subsidiary of any of the foregoing, whether or not operated for profit.
- (f) Seeking to do business means:
- (1) taking any action within the past six months to obtain a contract or business from the City when, if such action were successful, it would result in the person’s doing business with the City; and
 - (2) the contract or business sought has not been awarded to any person.
- (g) Contract management authority means personal involvement in or direct supervisory responsibility for the formulation or execution of a City contract, including without limitation the preparation of specifications, evaluation of bids or proposals, negotiation of contract terms or supervision of performance.
- (h) “Business relationship” means any contractual or other private business dealing of an employee with a person or entity which entitles the employee to compensation or payment in the amount of \$2,500.00 or more in a calendar year; provided, however, that the exclusions applicable to a “financial interest” shall apply with respect to business relationship.
- (i) “Ownership interest” means any interest representing more than 5 percent of a corporation, partnership, sole proprietorship, firm, enterprise, franchise, organization, holding company, joint stock company, receivership, trust, or any legal entity organized for profit; provided, however, that ownership interest does not mean any ownership through purchase at fair market value or inheritance of less than one percent of the shares of a publicly traded corporation.

Section 2 - Certain Business Relationships Prohibited/Disclosure Requirements

- (a) No non-clerical employee of the Office of the Mayor, or any member of the Mayor’s security detail, or entity in which such persons have a financial interest,

shall have any employment relationship with any entity other than the City, nor shall such persons have a financial interest, as set forth in section 2-156-010 (1) (Governmental Ethics), in any business. No spouse or domestic partner of such employee shall do business with the City or a sister agency of the City, or have an ownership interest in any entity doing or seeking to do business with the City or a sister agency of the City, or in any entity that is a subcontractor on any City contract, or on the contract of a sister agency of the City.

- (b) (i) No employee of any other executive department or agency, or entity in which such an employee has a financial interest, shall have any employment or business relationship with any person who is doing business with the City if the employee exercises contract management authority with respect to that person's business with the City. No spouse or domestic partner of such employee shall have a financial interest in any contract when the employee exercises contract management authority with respect to that contractor's City business. The ownership interest of the spouse or domestic partner of any employee in any entity that has a contract with a person doing other City business shall be disclosed to the Board of Ethics by the employee, on a form to be prescribed by the Board, on or before May 1 of each year.
 - (ii) No department or agency head shall have any employment relationship with any entity other than the City; nor shall such persons have any business relationship with any person doing business with the City.
- (c) For purposes of this Section 2, the term "sister agency of the City" shall include the Chicago School Reform Board of Trustees or the successor Chicago Board of Education, the Board of Trustees of Community College District 508, the Chicago Transit Authority, the Chicago Park District, the Metropolitan Pier and Exposition Authority, and the Public Building Commission.

Section 3 - Certain Loans Prohibited

For purposes of this Section 2, the term "sister agency of the City" shall include the Chicago School Reform Board of Trustees or the successor Chicago Board of Education, the Board of Trustees of Community College District 508, the Chicago Transit Authority, the Chicago Park District, the Metropolitan Pier and Exposition Authority, and the Public Building Commission.

Section 4 - Recommendation of Business Associates Prohibited

No employee shall recommend, retain or hire as a City employee or City contractor any person with whom the employee has a business relationship.